

GOVERNMENT OF INDIA

~~SECRET~~

MINISTRY OF EXTERNAL AFFAIRS

East Asia Division SECTION

NOTES/CORRESPONDENCE

रिकार्ड दिया
RECORDED

File No. C/125/20/73-JP
Volume

Indexed on _____

Initials _____

Subject

Call Attention Notice — Netaji Inquiry
Commission Visit to Taiwan.

Record A/B _____
Record C. _____ Destroy in _____

To be noted _____ in Sectional Note Book
Not to be noted _____

Initials of S.O./Suptd _____

Initials of Clerk _____

मन्त्रालय
विदेश
Officer
Ministry of External Affairs

Notes — 1-6
Correspondence — 1-93

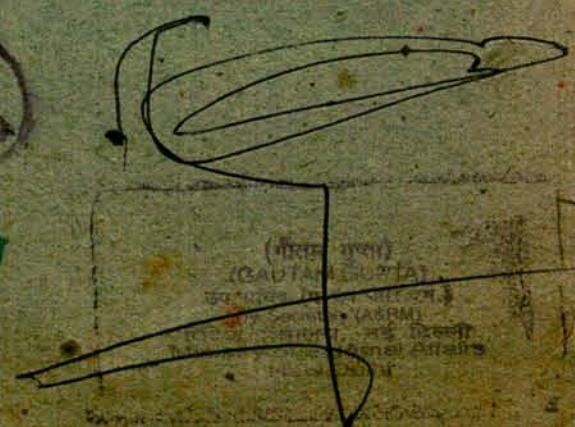
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Previous References

Later References

DECLASSIFIED

C/551/5/72-JP
Netaji Inquiry Commission



SECRET

Ministry of External Affairs
(East Asia Division)
- - - - -

I telephoned Mr. Justice G. D. Khosla today at 1.00 P.M. and mentioned to him that Shri Sumar Guha, MP, had tabled a Calling Attention Notice in the Lok Sabha and because of this the Minister of State had asked me to contact him for such information on the Netaji Commission's visit to Taiwan as he may be able to give to me. Justice G. D. Khosla very kindly came to the Ministry at 2.45 PM and in the presence of US(FE) we had a detailed discussion on the points raised by Shri Sumar Guha as also on all aspects of the visit to Taiwan.

2. Justice Khosla said that last year he had asked to go to Taiwan in order to see the spot where the air crash was said to have taken place as also to verify a lengthy statement by Shri Satyanarayan Sinha which had been made before the Commission. He had his own doubts about the veracity of this statement. When the proposal regarding the visit had been dropped last year he had no serious objections to this and when a copy of Shri Sumar Guha's letter to the PM was sent to him last year he told the Ministry of Home Affairs that he had no reaction to offer.

3. Justice Khosla went on to say that he had no independent information on the witnesses available in Taiwan and had repeatedly told Shri Sumar Guha that he would be responsible for locating and producing the witnesses which Shri Guha had said were available in Taiwan. Before the visit took place, Shri Guha produced the names of some witnesses and the Commission wrote to them. It later transpired that some of these witnesses were not available while others appeared before the Commission.

4. Shri Guha reached Taiwan via Japan three days before the Commission arrived there. Shri Guha contacted a number of people (including perhaps Taiwanese officials) and also gave a press conference where he outlined his own thesis. (Shri Guha has long held the view that Netaji is not dead and that even if he has died, it was not in the 1945 air crash). Justice Khosla saw a report on Shri Guha's press conference in the Taiwan papers and subsequently obtained a full transcript of those remarks. This is available with Justice Khosla. Justice Khosla also mentioned his own view that Shri Guha had placed the Commission in an embarrassing position by implying that his views were shared by the Commission. However, Justice Khosla felt that we should not highlight this point in any way.

5. A number of witnesses appeared before the Commission in Taiwan and sittings were held during the mornings and afternoons, including a full day session on Sunday. Apart from those witnesses who appeared in response to earlier approaches to them, some witnesses voluntarily came forward to give evidence after reports on the Commission's inquiries were published in the Taiwanese press. The witnesses were extremely cooperative and the Commission encountered no difficulties in recording their evidence.

(From prepage)

6. The only point where the Commission came into contact with Taiwanese officials was at the time of the visit to the airport where the 1945 crash took place. This place is a high security area but the Commission was allowed to visit it and to drive around in jeeps. All the Commission's questions regarding the wind direction, alignment of old and new run-ways, etc., were answered and the Commission experienced no difficulty during this airport visit. The Commission also visited the crematorium where Netaji's body was allegedly cremated. However, unlike what appeared in some press reports in India ~~that~~ the Commission did not address any letter to the Taiwan authorities.

7. There was no restriction on the activities of the Commission either because of secret instructions or for any other reason. In fact there were no secret instructions.

8. Justice Khosla added that a mention was made by Shri Guha of a nurse who attended on Netaji before he died. The whereabouts of this nurse could not be found; in fact it is extremely doubtful if any such nurse existed, because two witnesses who gave witness before him in Taiwan categorically stated that only male nurses were working in the military hospital in 1945 and there were no female nurses at all. Shri Guha feels Netaji is still alive somewhere. Certainly the evidence examined supported the theory that Netaji died in an aircrash at Taipei on the 18th August, 1945. However, this evidence was of a hearsay nature. There was no evidence to counter this story, either direct or otherwise.


9. I asked Justice Khosla if the Commission had any difficulties in locating the documents, a point which had been mentioned in the 32 MP's memorandum to the Prime Minister in May, 1972. Justice Khosla replied that at no stage was it specified to him by Shri Guha or any-one-else as to what particular document he should try and locate. In the absence of any indication at all he could not simply try and go through all the archives of the Taiwan authorities. This was impossible.

10. I then asked Justice Khosla whether the suggestion from the Government that it would be better for the Commission to make its own arrangements and not to use any intermediary organization had caused any difficulties. He replied that this had caused no problem at all since the purpose of approaching an intermediary organization was only to make the physical arrangements for the visit. These arrangements were made in fact through travel agents and through one Shri Pritam Singh who is a partner stationed in Taiwan of the big Hong Kong Indian firm of Harililas. On the other hand certain non-official organizations in Taiwan did show courtesy to him. The Bar Council of Taiwan held a function in his honour. He was also entertained to tea by the Sino-Indian-Burma-Sri Lanka Cultural and Economic Association. The local Indian community also entertained him to a dinner.

(From prepage)

11. Summing up his conversation Justice Khosla stressed the following points:

- i) The Commission received the fullest cooperation from the people of Taiwan and many witnesses were examined, including some who turned up on their own after news about the Commission's visit was published.
- ii) The Commission did not feel that any restrictions had been placed on it by the Indian Government or by anyone else. There was simply no truth in the charge that anyone had tried to "sabotage" the visit.
- iii) Perhaps Shri Guha was making his allegations because the witnesses who were examined did not support his pet theories. However this was only a personal observation and we need not publicise this in any way.
- iv) The Commission does not deal with foreign governments since the mandate given to it, while very extensive within India, does not extend outside the country. Even in the case of the Commission's visit to countries such as Japan, arrangements were made necessarily through the Indian Embassy concerned because the Commission had no authority to call upon a foreign government to furnish information. In the case of the visit to Taiwan, obviously there was no Indian Mission available to furnish such help because there are no political relations between India and Taiwan. Therefore, the Commission made its own arrangements.
- v) No secret directives were issued to the Commission. Rather the Commission reached its own decision that it would have to depend on private channels since the Commission could not approach a foreign government and no Indian Mission was available for assistance in the case of Taiwan. However, within the limits of what was possible, the visit to Taiwan yielded certain results.
- vi) The visit to Taiwan took place at the insistence of Shri Sumar Guha and others. The onus was on Shri Guha for producing useful witnesses.


(K. K. S. Rana)
Director (E.A.)
25.7.1973

SECRET

Ministry of External Affairs
(East Asia Division)

The Hon'ble Speaker permitted Shri Samar Guha, MP, to raise the following Calling Attention Notice under Rule 377:

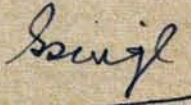
"Secret directive was issued to the Netaji Enquiry Commission restricting its freedom in Taiwan in conducting into the enquiry into Netaji's mystery."

2. Although this Notice did not come for discussion today and may be taken up, at the earliest, day after tomorrow, a background note on the visit of the Netaji Commission to Taiwan is placed below at flag 'X'. The record of my discussion with Justice G. D. Khosla which took place this afternoon is placed below at flag 'Y'.
3. As desired by the Minister of State, I am forwarding these papers to FM as also to the Minister of State.
4. For consideration.


(K. K. S. Rana)
Director (E. A.)
25. 7. 1973

✓ FM
MOS
Secretary (East)

Please speak.


26/7

~~MOS / Secy (EA)~~

This matter will be discussed in a meeting with P.M. tomorrow. F.M. desires that Secretary (E) may get a note prepared.


27/7

Secretary (E.) understands that the matter is unlikely to come up in the House.
2. In addition to the Background Note and another note giving answers to specific allegations, I submit a draft reply to Shri Samar Guha's letter to P.M.

V.E.-h
28/7

Minister, Stat
F.M.

Separate copies

68/15/73
26/7

No. 4589
Dated 27.7.1973
Secy (East)/73

- from pr. page

Secret

As directed by Secretary (F) I went and met Justice G.D. Khosla. He saw the letter from this Guba and our draft reply and agreed with the points made in the draft.

Secy (R) may kindly see.



1/7/73

Secretary (R)

S. No. (6) issue

S. Nos. (7) to (16) added

5067-211(201)/73
1/8

Dy. No. 4742
Dated 1/8/73
Secy (East)/73


SECRET

Ministry of External Affairs
(East Asia Division)
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During the discussion which took place in the Lok Sabha on the 23rd August, 1973 on Shri Samar Guha's Calling Attention Notice relating to the Netaji Commission's visit to Taiwan, the Speaker, in response to a demand from some members, stated that he would see the letter issued by the Government to the Netaji Commission incorporating certain suggestions on the Commission's activities in Taiwan, in order to confirm that FM's statement on the Calling Attention Notice had summarised the contents of the letter.

2. A copy of the letter issued by the Ministry of Home Affairs in March 1973 (after it had been shown to us in final draft form) incorporating the Government's suggestions to the Netaji Commission is placed below at flag 'A' (MHA letter No. 24/6/71-Poll.II dated 15.3.1973). A copy of FM's statement on the Calling Attention Notice may be seen at flag 'B'.


3. JS(EA) may like to show this to FM.



(K. K. S. Rana)
Director (E.A.)
25.8.1973

JS(EA).

M. Karp. Karp
He has A document.

6-6
- 23/8.


D. 8553/EAD/73


S. NO. (18) PR

Reference JS(EA)'s remarks on FR
Copy of MHA's letter to Justice Khorda
is placed below at flag A.
Statement by FM on calling attention
Notice is also attached at flag B.

Dir (EA)

Bhambhani

S. M. (19) Verma

JS(EA)

Dir (EA)

US (EA)

1/9

11/8

5677 RME/11/73
25/8

4992-JME/73
25/8

5716 RME/11/73
27/8

1244-US (FE)/73
28/8

D. 5114 JS (6M)/73
1/9

1337-US (FE)/73
4/9

5838 RME/11/73
1/9

5893 RME/11/73
8/9

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27/9

Copies in volume

3884/Parl/73
25.7

(1)

Most Immediate

MINISTRY OF EXTERNAL AFFAIRS
PARLIAMENT SECTION

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A number of Calling Attention Notices have been received by the Hon. Speaker regarding restricting Netaji Enquiry Commission's activities in Taiwan. Hon. Speaker ^{has} however, permitted Shri Samar Guha to raise under the rule 377, the following after the Calling Attention Notice:

"Secret directive was issued to the Netaji Enquiry Commission restricting its freedom in Taiwan in conducting into the enquiry into Netaji's mistry".

This message was received on telephone at 11.25 A.M. and it was suggested that the Hon. Speaker desired that this may be brought to the notice of Foreign Minister.

B. Swaraj
(B. Swaraj)
Research Officer (Parl)

P.S. to F.M.
P.S. to Minister of State

Dis (Comm) my highest ^{informed}

B. Swaraj
25/7

Wm
25/7

(2)

SECRET

Ministry of External Affairs
(East Asia Division)
- - - -


The Hon'ble Speaker permitted Shri Samar Guha, MP, to raise the following Calling Attention Notice under Rule 377:

"Secret directive was issued to the Netaji Enquiry Commission restricting its freedom in Taiwan in conducting into the enquiry into Netaji's mystery."

2. Although this Notice did not come for discussion today and may be taken up, at the earliest, day after tomorrow, a background note on the visit of the Netaji Commission to Taiwan is placed below at flag 'X'. The record of my discussion with Justice G. D. Khosla which took place this afternoon is placed below at flag 'Y'.

3. As desired by the Minister of State, I am forwarding these papers to FM as also to the Minister of State.

4. For consideration.


(K. K. S. Rana)
Director (E. A.)
25. 7. 1973

Separate
copies

FM
MOS
Secretary (East)

For (EAS)

Shankar
19/8

Shankar
17/8

Shankar
17/8

Mr. PC
23/8

C/125/20/73-28

4407-2/10/73
25/2

1145/MS/73
25/2

5520-2/10/73
25/2

1202-450/73
25/8

3

Confidential

Ministry of External Affairs
(East Asia Division)

Background note on the visit of the Netaji
Enquiry Commission to Taiwan:

Justice G.D. Khosla, who constitutes the one-man Netaji Enquiry Commission, suggested ^{in 1972} that the Commission should undertake a visit to several South-East Asian countries which were associated with the disappearance of Netaji in 1945, including Taiwan where, it was alleged, he had died in an air crash.

2. Although the Government had no objection to his visit to Taiwan, it was clarified that since India did not have any diplomatic relations with Taiwan, an official approach could not be made to the Taiwan authorities for the visit.

3. Speaking in Parliament on the 10th May 1972, the Minister of State for Home Affairs told Shri Samar Guha and others in a response to a Parliament Question that the real difficulty regarding the Taiwan visit was that the Taiwanese authorities wanted a formal request from the Government of India which could not be issued because of the absence of diplomatic relations between the two countries. Shri Samar Guha and some other MPs including Shri A.B. Vajpayee and Shri S.N. Mishra expressed dis-satisfaction with the Government's decision.

4. Subsequently a group of 32 Members of Parliament addressed a memorandum to the Prime Minister ^{on late May 1972} stating that a visit of the Enquiry Commission to Taiwan was essential in order to examine three specific aspects:

- i) to study the topography of Taikoho airport where the alleged air crash took place;
- ii) to examine some witnesses who were still alive; and
- iii) to examine war-time documents of the Japanese military authorities in Taiwan which were at present in the National Archives there.

- 2 -

On the 3rd June 1972

5. F.M. met Shri S.M. Banerjee, Shri Vajpayee and Shri Naval Kishore to discuss their memorandum to the P.M. FM explained that the Government was not opposed to the Khosla Commission visiting Taiwan. In fact, we had tried to sound the Taiwan authorities informally but they raised two pre-conditions. Firstly, that the Government should make an official request; and secondly, that the Government should give an assurance on reciprocity for visits to India by Taiwanese. Such an assurance could not be given. Shri Vajpayee agreed that this was true and said that we might continue efforts to persuade Taiwan to give facilities.
6. On the 5th July 1972, there appeared a press report in which it was said that Justice G.D. Khosla had decided that he would not renew his request for the visit to Taiwan since the Government had rejected it because it had no diplomatic ties with Taiwan. Therefore, although the visit to Taiwan was essential, the Commission would not issue a directive to the Government. It had no authority to do so.
7. On September 6, 1972, Shri Samar Guha wrote to F.M. repeating the demand that the Commission should visit Taiwan so that there would be no limitations placed on the enquiries of the Netaji Commission.
8. Subsequently, Shri Samar Guha wrote to the Prime Minister and suggested that some alternative means could be utilised for the Commission to visit Taiwan without directly approaching the Taiwan authorities. For instance, the Commission could visit on an invitation from (a) the Formosa Buddhist Association; (b) the Civic Association; (c) the China-India Cultural and Economic Association; (d) the World anti-Communist League of China.
9. After this suggestion was examined in full, the Ministry of External Affairs agreed, that in a communication addressed to the Ministry of Home Affairs, that the Taiwan visit could take place if it was felt that the enquiry would

*Final decision
conveyed
N.H.A.*

not be complete without the visit. However, we suggested to M.H.A. that (i) Ministry of E.A. would not be able to arrange for any facilities for the visit; (ii) that the Commission would have to use ordinary travel channels; (iii) it would be desirable for the Commission not to depend on any intermediary organisation for examining witnesses but to make their presence known in Taiwan and then examine such witnesses as are relevant to the case; and (iv) to caution the Commission not to have official contacts with Taiwanese leaders or Government officials, particularly the Foreign Ministry.

10. These points were incorporated in a letter which the Ministry of H.A. addressed to Justice G.D. Khosla (~~flag B~~). The Commission was told that the visit to Taiwan could take place if it was deemed essential. However, since the Government does not recognise Taiwan and has no official contacts with it, it would not be possible for the Government to arrange any facilities for the visit and the Commission would have to use the ordinary travel channels for visas, accommodation, etc. The Commission may not wish to use other channels directly for arranging such facilities. It should be noted, however, that we only put forward certain suggestions to the Commission and it would be misleading to treat these suggestions as "directives" from the Government. It was entirely proper for the Commission to have approached the Ministry of H.A. for advice on their foreign programme and the advice tendered by the Ministry of H.A. was in full awareness of the Commission's own powers to reach decisions.

(3)

SECRET

Ministry of External Affairs
(East Asia Division)

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The Hon'ble Speaker permitted Shri Samar Guha, MP, to raise the following Calling Attention Notice under Rule 377:

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4. For consideration.


(K. K. S. Bana)
Director (E.A.)
25. 7. 1973

Separate
copies

FM

MOS

Secretary (East)

V. C. H.
27/7

Dir (EA)
Director has seen it.
24/7/73

Indrajit
US (FE) bu
28/7
EAD

By No. 4530 Secy (East)/73
Dated 27. 7. 1973

4961-27150/73
28/7

PC
28/7

(17)

Confidential

Ministry of External Affairs
(East Asia Division)

Background note on the visit of the Netaji
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Justice G.D. Khosla, who constitutes the one-man Netaji Enquiry Commission, suggested ^{in 1972} that the Commission should undertake a visit to several South-East Asian countries which were associated with the disappearance of Netaji in 1945, including Taiwan where, it was alleged, he had died in an air crash.

2. Although the Government had no objection to his visit to Taiwan, it was clarified that since India did not have any diplomatic relations with Taiwan, an official approach could not be made to the Taiwan authorities for the visit.

3. Speaking in Parliament on the 10th May 1972, the Minister of State for Home Affairs told Shri Samar Guha and others in a response to a Parliament Question that the real difficulty regarding the Taiwan visit was that the Taiwanese authorities wanted a formal request from the Government of India which could not be issued because of the absence of diplomatic relations between the two countries. Shri Samar Guha and some other MPs including Shri A.B. Vajpayee and Shri S.N. Mishra expressed dis-satisfaction with the Government's decision.

4. Subsequently a group of 32 Members of Parliament addressed a memorandum to the Prime Minister ^{in late May 1972} stating that a visit of the Enquiry Commission to Taiwan was essential in order to examine three specific aspects:

- i) to study the topography of Taikoho airport where the alleged air crash took place;
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- 2 -

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6. On the 5th July 1972, there appeared a press report in which it was said that Justice G.D. Khosla had decided that he would not renew his request for the visit to Taiwan since the Government had rejected it because it had no diplomatic ties with Taiwan. Therefore, although the visit to Taiwan was essential, the Commission would not issue a directive to the Government. It had no authority to do so.
7. On September 6, 1972, Shri Samar Guha wrote to F.M. repeating the demand that the Commission should visit Taiwan so that there would be no limitations placed on the enquiries of the Netaji Commission.
8. Subsequently, Shri Samar Guha wrote to the Prime Minister and suggested that some alternative means could be utilised for the Commission to visit Taiwan without directly approaching the Taiwan authorities. For instance, the Commission could visit on an invitation from (a) the Formosa Buddhist Association; (b) the Civic Association; (c) the China-India Cultural and Economic Association; (d) the World anti-Communist League of China.
9. After this suggestion was examined in full, the Ministry of External Affairs agreed, ~~that~~ in a communication addressed to the Ministry of Home Affairs, that the Taiwan visit could take place if it was felt that the enquiry would

not be complete without the visit. However, we suggested to M.H.A. that (i) Ministry of E.A. would not be able to arrange for any facilities for the visit; (ii) that the Commission would have to use ordinary travel channels; (iii) it would be desirable for the Commission not to depend on any intermediary organisation for examining witnesses but to make their presence known in Taiwan and then examine such witnesses as are relevant to the case; and (iv) to caution the Commission not to have official contacts with Taiwanese leaders or Government officials, particularly the Foreign Ministry.

10. These points were incorporated in a letter which the Ministry of H.A. addressed to Justice G.D. Khosla (~~flag-B~~). The Commission was told that the visit to Taiwan could take place if it was deemed essential. However, since the Government does not recognise Taiwan and has no official contacts with it, it would not be possible for the Government to arrange any facilities for the visit and the Commission would have to use the ordinary travel channels for visas, accommodation, etc. The Commission may not wish to use other channels directly for arranging such facilities. It should be noted, however, that we only put forward certain suggestions to the Commission and it would be misleading to treat these suggestions as "directives" from the Government. It was entirely proper for the Commission to have approached the Ministry of H.A. for advice on their foreign programme and the advice tendered by the Ministry of H.A. was in full awareness of the Commission's own powers to reach decisions.

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(East Asia Division)
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Director (E. A.)
25. 7. 1973

Separate
copies

FM
MOS
Secretary (East)

5147-2ME 07/3
7/8

(11)

Confidential

Ministry of External Affairs
(East Asia Division)

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5713 DM 20/1/73
27/8 (5)
GOVERNMENT OF INDIA.
PRIME MINISTER'S SECRETARIAT

Foreign Minister's Office	
Date...	27/7
No...	17 / F.M.

* Forwarded with the compliments of the Prime Minister.

* Copy of letter dated July 25, 1973 from
Shri Samar Guha, M.P. regarding Netaji
Inquiry Commission's visit to Taipei.

To

Sardar Swaran Singh,
Minister of External Affairs,
New Delhi.

No... 463-PMO/73.

Date... July 26, 1973.

1149
27/7
No
Date
will be discussed;
A draft reply pl.
Secy(E) Samgl
MOS / Dir (EA) 26/7

Copy of letter dated the 25th July, 1973 from
Shri Samar Guha, Member of Parliament, 27, South
Avenue, New Delhi-110011 to the Prime Minister.

The whole country felt highly grateful to you for taking personal initiative to permit the Netaji Inquiry Commission to visit Taipei in Taiwan. Taipei, which was known as Taihoku at the time of Japanese occupation, really holds the key to unravel the mystery about the disappearance of Netaji Subhas Chander Bose.

We expected that the Netaji Inquiry Commission while visiting Taipei will avail every opportunity and all facilities for conducting thorough enquiry into Netaji-mystery. But on reaching Taipei we were completely surprised to know from the Commission that a departmental letter issued from the Ministry of External Affairs strangely inhibited the Commission from seeking any direct help from the Government of Taiwan or any other non-official organisation in that country. In consequence the Commission took an absolutely passive attitude sitting almost like an inert body doing nothing in exercising its initiative and freedom to conduct inquiry into Netaji-mystery. If we did not accompany the Commission, perhaps the Commission would have returned to India without doing any inquiry whatsoever in Taipei.

The directive issued by the Ministry of External Affairs not only circumscribed the independence of the judicial body like the Netaji Inquiry Commission but practically frustrated its work of investigation into the circumstances leading to the disappearance of Netaji.

The Government of Taipei did not ask for any formal letter from the Government of India to the Government of Taiwan, but they expressed their desire that the Commission should write to the East Asia Department of their Government for seeking its cooperation in conducting inquiry in Taiwan. On our request the Government of Taiwan issued visas to the members associated with the Netaji Commission and made an unusual liberal gesture of goodwill to the Commission by allowing it to hold court proceedings in their country without formal permission. The Government of Taiwan, various non-official organisations there and the press as a whole expressed their sincere willingness to extend all kinds of cooperation to the Commission. But as the Commission refused, even being requested by us repeatedly, to write to the East Asia Department of the Government of Taiwan, the Commission failed to avail all opportunities that were before them for resolving Netaji-mystery.

I alongwith two other members of National Committee to Assist Netaji Inquiry made frantic efforts with the help of some members of Parliament of Taiwan and press reporters

there to collect some materials and find out some witnesses for appearing before the Commission. Many revealing facts were coming before the Commission which contradicted the most of the earlier reports circulated by the Government of Japan and many of the facts that were placed before the earlier Netaji Inquiry Committee headed by Major General Shah Nawaz Khan. As it required for us to conduct various enquiries from the airport, hospital, municipality, crematorium and other authorities related to documents and records in connection with the reports that were circulated by the Government of Japan, the task was very difficult to complete without the formal help of the Government of Taiwan. We were getting unknown facts, many witnesses and many other materials which if we succeeded to collect and produce before the Commission, Netaji-mystery would have been finally resolved. We could ~~show~~ trace a number of local inhabitants who were working during the days of Japanese occupation under the various authorities as stated above, but it was difficult for us to produce them before the Commission without getting time and opportunity to track them and bring them before the Commission. We requested the Commission to extend its sittings by a few days so that we could try to do our best to collect more materials and find important personnel for the purpose of getting facts for Netaji inquiry. But unfortunately due to strict directive given to the Commission, the Commission expressed its reluctance to extend its sittings at Taipei. I am extremely sorry to observe that the inhibiting directive issued by the Ministry of External Affairs practically scuttled the objective of Commission's visit to Taiwan.

I also want to inform you that the facts that came before us revealed wide range of divergence about the reported date, time and location of the alleged plane crash involving Netaji, time and date of his reported death, location of his hospitalisation, the date and time of his cremation, etc.

The meteorological report showed that the plane crash could not have occurred at the place where it was reported so by the Government of Japan. It was also reported to us by one or two witnesses that a body that was told to be of Netaji was cremated. But everybody stated that the body was rolled inside an army blanket additionally covered by a sheet of white cloth and nobody was allowed to see whose dead body it was. No photograph of the dead body was taken and nobody was allowed to see the body which was told by the Japanese as that of Netaji.

We got two very important documents which were submitted by the military authority of Japan, - one as that of the municipal certificate and the other of crematorium certificate as permits for cremating the reported body of Netaji, but startlingly these two vital documents were found to contain not the name of Netaji but of a Japanese young military officer.

Mr. Harin Shah, a journalist, who visited Taipei in 1946 submitted a report to late Panditji and Sardar Vallabhbhai Patel in an attempt to convince them that Netaji really died in a plane crash at Taipei. Subsequently he published a book and included in it many documents and photographs of various persons which he claimed to have found during his visit to Taipei. He produced these documents before the earlier Shah Nawaz Committee also. But on our enquiry at Taipei we found that most of the documents are either fabricated or concocted and many of the photographs were frauds.

I returned from Taipei with the firm conviction that the report of death of Netaji that was circulated by the Government of Japan could not be relied. But unfortunately due to the restriction imposed on the Netaji Inquiry ~~Commission~~ Commission and inert attitude of the latter in course of its investigation work at Taipei, we missed the opportunity to finally unravel Netaji-mystery.

I shall fail in my duty if I do not inform you that the Government of Taiwan, the people at large and the press as a whole there showed an attitude of extreme goodwill, friendship and cordiality to India and to us who visited Taipei very recently. None of them raised any political issue but expressed their goodwill and friendship to India and urged that India and Taiwan should have friendly, cultural, social and economic relations.

I regret to remark very frankly to you that the effort of Netaji Inquiry Commission has been frustrated by the directive issued to it curbing its initiative and freedom by the Ministry of External Affairs.

I want to draw your attention to another aspect in connection with the Netaji Inquiry Commission. The Commission has fixed up the dates for Argument Session from 30th July. But all the vital documents that the Commission asked from the Government have not yet been supplied to it. Without these documents it will be again extremely difficult for the Commission to arrive at a right conclusion.

I harboured this faith that by taking the patriotic step of setting up a fresh Netaji Inquiry Commission, you showed your keenness to resolve Netaji-mystery. I still hope that you should take necessary steps to ask the different departments of the Government to submit relevant documents to the Commission. I would take liberty further to request you to write a personal letter to the President of Pakistan, Mr. Bhutto, requesting him to take necessary steps to enable Col. Habibur Rehman, who can say the last word about Netaji, to appear before the Netaji Inquiry Commission.

I hope you will appreciate the frankness of my letter as it will reflect to you the prevailing feeling of our countrymen about Netaji-mystery.

No. 149/FN/73

(6) 18805 14/8

New Delhi,
August 14, 1973.

Dear Shri Samar Guha,

Will you please refer to your letter dated the 25th of July, 1973, addressed to the Prime Minister, regarding the Netaji Inquiry Commission's visit to Taiwan?

I am sorry that you feel that the Commission's work was hampered in any way by any action on our part. I am afraid, your impression is based on a misunderstanding and I thought I would give you some of the facts in respect of the matters raised by you.

You are aware of the circumstances surrounding the Commission's visit to Taiwan. In fact, it was through your efforts and advice that the Commission was able to make a visit to Taiwan and hold its sittings there in a satisfactory manner.

As you know, we do not have diplomatic relations with Taiwan and have consistently held the view that the People's Republic of China is the sole legitimate Government of China and that Taiwan is a Province of China. Because of this, neither the Government of India nor judicial bodies appointed by the Government of India can enter into direct or formal contacts any time with the Government of Taiwan and its departments. Here again, it was at your initiative that a formula was worked out which would make the visit possible on a private basis. Naturally, this entailed the cooperation of the Taiwan authorities and we are grateful to you for having contributed to such cooperation. We also appreciate the cooperation extended by the people of Taiwan and the various authorities who were concerned with the work of the Commission.

In the political context mentioned above, however, it was natural that we should suggest to the Commission not to make any formal approach to the Taiwan authorities and to make an independent enquiry without enlisting the formal cooperation of any official or non-official body there. The Commission, in its judgement, accepted this suggestion. As you know, while the Commission has extensive powers to gather material evidence in India, it has no authority to compel the cooperation of any foreign Government. In all its visits to foreign countries, therefore, the Commission had conducted its enquiries with the assistance of the Indian Diplomatic Missions located

-----2/-

-:2:-

abroad. In the case of Taiwan, this avenue was not available and the Commission had to rely on informal arrangements and on assistance of influential persons like yourself.

I should like to emphasise at this stage that the fact that the Commission did not address a formal request to the Taiwan Foreign Ministry or its East Asia Department, did not prevent the presentation of all available evidence to it. The Commission is, in fact, satisfied with the visit and with the response it received.

I understand that the question of obtaining evidence and witnesses was discussed with you extensively by Mr. Justice Khosla before the departure of the Commission for Taiwan and he had stressed to you that the Commission was relying on you and your friends for help in gathering the available evidence. On the basis of the list given by you, the Commission wrote to the witnesses in advance. While several of them turned up before the Commission in Taiwan, it was also fortunate that the publicity given to the Commission's visit in various Taiwanese newspapers succeeded in attracting some other witnesses, all of whom gave evidence.

I can assure you that no directive was given by the Government to the Commission which inhibited it from extending its stay in Taiwan. I am informed that the Commission decided against an extension beyond the nine days of its stay because it had no firm indication of the nature of any material evidence which might be produced in case the Commission stayed for an extra length of time. In any event, this was entirely an independent decision of the Commission. You have referred in your letter to some vital documents which the Commission has asked the Government to supply to it. I have conveyed the relevant extract of your letter to the Ministry of Home Affairs.

Please rest assured that we in the Government fully share your desire that every possible effort should be made to assist the Commission in making the present inquiry into Netaji's disappearance a definitive and an independent judicial study.

Yours sincerely,

Sd/-

(Swaran Singh)

Shri Samar Guha,
Member of Parliament,
27, South Avenue,
NEW DELHI-110011

copy for information to Prof. P.N. Dhar, Secretary
to P.M.

9c
(V.C. Trivedi)
Secretary (East)
14-8-1973

(7)

UNSTARRED QUESTION NO. 3325

LOK SABHA

UNSTARRED QUESTION NO. 3325

TO BE ANSWERED ON THE 15TH AUGUST, 1973

DIRECTIVE TO NETAJI INQUIRY COMMISSION
NOT TO SEEK DIRECT HELP FROM TAIWAN

3325

SHRI SAMAR GUHA:

Will the Minister of External Affairs विदेश मन्त्री be pleased to state:

- (a) whether Ministry of External Affairs had issued a directive to the Netaji Inquiry Commission not to seek any direct help from Government of Taiwan or any other non-official organisation there in the course of its recent visit to Taiwan in connection with investigation into disappearance of Netaji Subhash Chandra Bose;
- (b) if so, the text of the letter issued to the Commission;
- (c) the reasons for imposing such restrictions on the Commission; and
- (d) whether the investigation work of the Commission was seriously inhibited by such directive?

ANSWER

THE MINISTER OF STATE IN THE MINISTRY
OF EXTERNAL AFFAIRS विदेश राज्य मन्त्री

(SHRI SURENDRA PAL SINGH)

(a), (b), (c) & (d):

No, Sir. No directive was issued to the Netaji Inquiry Commission. In all its enquiries outside India involving contacts with foreign Government agencies, the Commission has functioned with the assistance of Indian Missions located abroad. Taking into consideration the fact that we have no Mission in Taiwan, such assistance was not possible when the Commission visited Taiwan. In view of this, and in view of the fact that we have no diplomatic relations with Taiwan, it was suggested that the Commission may make independent inquiries without enlisting the formal cooperation of any official or non-official body in Taiwan, and make its

..... 2/-

own arrangements on a private basis. The Commission, in its judgment, decided to accept this suggestion. It is incorrect to say that the Commission's work was hampered in any way by Government.

(8)

MOST IMMEDIATE

LOK SABHA SECRETARIAT
(Table Office)

Subject: Reported directive given or 'written suggestion' made to the Netaji Inquiry Commission not to seek any help either from the Government or any non-official body in Taiwan while conducting investigation into the matters related to disappearance of Netaji Subhash Chandra Bose.

...

A copy of letter dated the 20th August, 1973 from Shri Samar Guha, M.P. together with a Calling Attention Notice of date, on the above subject is enclosed.

2. These may please be placed before the Minister of External Affairs and his comments in the matter intimated to this Secretariat immediately in order to enable the Speaker to decide the admissibility of the notice.

3. While sending the comments, please indicate whether there is any objection to a copy thereof being given by us to Shri Samar Guha.

(P.K. PATNAIK)
JOINT SECRETARY

P.S. to Minister of External Affairs
L.S.S. U.O. No. 34/7/VIII/73/T dated the 20th August, 1973.

D. 4887 - JS (EA) 13
24/8

24/8/73

21-8-73

RO/PS)

Bdhuas 24/8/73

In immediate meeting with Mr. ...

Recd on 22/8/73 at 1045.

5068/Parl/73
22-8

J (EA)
Dir EA

Bdhuas
24/8/73

(22)

SAMAR GUHA
MEMBER OF PARLIAMENT
(LOK SABHA)

27th South Avenue,
New Delhi 11

August 20, 1973.

Dr. G. S. Dhillon,
Hon'ble Speaker,
Lok Sabha,
New Delhi.

Hon'ble Sir,

You kindly agreed to permit me, according to Rule 377, to raise the matter relating to the reported directive given or 'written suggestion' made to the Netaji Inquiry Commission not to seek any help either from the Government or any non-official body in Taiwan while conducting investigation into the matters related to disappearance of Netaji Subhash Chandra Bose. You asked me to wait till the Minister of External Affairs return from abroad.

I hope you will kindly permit me to raise the matter today. I addressed a letter to the Prime Minister and met her also in this connection. I had been informed that this letter has been directed to the Minister of External Affairs.

However, I feel that the matter being very important, it should be admitted in the form of a Calling Attention Motion. I consulted a former Chief Justice of Calcutta High Court who told me that as the matter concerns the conduct of the Ministry of External Affairs, such Calling Attention motion cannot be ~~seen~~ construed in any way as interfering with the legal authority of the Netaji Inquiry Commission.

I shall humbly request you again to admit my Calling Attention on the subject which I have repeated again today.

With regards,

Yours sincerely,
sd/-
(Samar Guha)
365

CALLING ATTENTION NOTICE

Place New DelhiDate 20.8.73

From

..... **Samar Guha**, M.P.

To

The Secretary,
Lok Sabha,
New Delhi.

Sir,

Under Rule 197 of the Rules of Procedure and Conduct of Business, I give notice of my intention to call the attention of the Minister of **External Affairs** on **20.8.73** to the following matter of urgent public importance and to request that the Minister may make a statement thereon:-

Re. Restriction imposed on Netaji Inquiry at Taipei

Reported instruction issued to the Netaji Inquiry Commission by the Ministry of External Affairs not to seek any help from the Govt. or any non-official organisation in Taiwan.

Yours faithfully,

Sd. Samar Guha

M.P.
Division No. 365

Copy to :

- (1) The Speaker.
- (2) The Minister of **External Affairs**

CALLING ATTENTION NOTICE

स्थान

दिनांक

New Delhi

Date 20.8.73

प्रेषक

सेवा में

सचिव,
लोक-सभा,
नई दिल्ली।

महोदय,

प्रक्रिया तथा कार्य-संचालन सम्बन्धी नियमों के विषय 197 के अन्तर्गत
मैं को अविलम्बनीय लोक-महत्व के निम्नलिखित विषय
की ओर 20.8.73 मंत्री का ध्यान दिलाने और मंत्री
महोदय से उस पर एक वक्तव्य देने की प्रार्थना करने की सूचना देता हूँ -

Re. Restriction imposed on Netaji Indira at Taipei

Reported instruction issued to the Netaji Indira Commission
by the Ministry of External Affairs not to seek any help from
the Govt. or any non-official organisation in Taiwan.

Yours faithfully,

Sd. Samrat Guha

M.P. Division No. 305

भवदीय,

संसद् सदस्य,
विभाजन संख्या-

प्रति -

1. अध्यक्ष महोदय।

2.

मंत्री।

D. 4898-JSLB/23
L.S.S./T.O. 6

5076/Parl/73
228 ✓

(9)

CALLING ATTENTION NOTICE

Place New Delhi

Date 20.8.73

8289-214/73

From

..Samar Guha.....

To

The Secretary,
Lok Sabha,
New Delhi.

Sir,

Under Rule 197 of the Rules of Procedure and Conduct of Business I give notice of my intention to call the attention of the Minister of External Affrs. on 20.8.73 to the following matter of urgent public importance and to request that the Minister may make a statement thereon :-

Re: ~~Chinese~~ Restriction imposed on Netaji Inquiry at Taipei
Reported instructions issued to the Netaji Inquiry Commission by the Ministry of External Affairs not to seek any help from the Govt. or any non-official organisation in Taiwan.

Yours faithfully,

S Guha
(Samar Guha)
M.P.
Division No. 365

Copy to :

(1) The Speaker.

(2) The Minister of
External Affrs.

Admin taken

IS(EA) EOP
M. P.
23/8/73

CALLING ATTENTION NOTICE

स्थान

दिनांक

प्रेषक

संसद् सदस्य

सेवा में

सचिव,
लोक-सभा,
नई दिल्ली।

महोदय,

प्रक्रिया तथा कार्य-संचालन सम्बन्धी नियमों के नियम 197 के अन्तर्गत
मैं को अविलम्बनीय लोक महत्व के निम्नलिखित विषय

की ओर मंत्री का ध्यान दिलाने और मंत्री

महोदय से उस पर एक वक्तव्य देने की प्रार्थना करने की सूचना देता हूँ —

Net: External Restriction imposed on Retail Industry at Taipei

Reported instructions issued to the Retail Industry Commission
by the Ministry of External Affairs not to seek any help from the
Govt. or any non-official organisation in Taiwan.

भवदीय,

संसद् सदस्य,
विभाजन संख्या

प्रति —

1. अध्यक्ष महोदय।

2.

मंत्री

Most Immediate

D. 4892 JSLE 07/73

22/8
MOST IMMEDIATE 25

(10)
24/8/73
LOK SABHA SECRETARIAT
(Table Office)

8306 SAS/73

J.S.(S.M.)
SUBJECT : Calling Attention notice regarding the reported instructions issued to the Netaji Inquiry Commission by the Ministry of External Affairs not to seek any help from the Govt. or any non-official organisation in Taiwan.

5087/Past/73
22/8

The Ministry of External Affairs may please refer to the Calling Attention notice tabled by Shri Samar Guha on the above subject.

2. As already intimated on the telephone to Parliament Section at 11.25 A.M. today, the Speaker has admitted the above notice for the 23rd August, 1973 (Thursday). The Minister of External Affairs may, therefore, make a brief statement in response thereto in the House after Question Hour on that day.

3. An Entry to this effect is being included in the List of Business for 23.8.1973. Copy of the entry for List of Business indicating the exact text of the admitted Calling Attention, may please be collected at 2 P.M. today from this Secretariat.

(P.K.PATNAIK)
JOINT SECRETARY.

The Ministry of External Affairs.
L.S.S. U.O. No.9/1/73/T, dated the 22nd August, 1973.

(11)

D.4920- JS160713

MOST IMMEDIATE

26

LOK SABHA SECRETARIAT
(Table Office)

8290-2AA/73

SUBJECT: Calling Attention notices regarding the reported instructions issued to the Netaji Inquiry Commission by the Ministry of External Affairs not to seek any help from the Government or any non-official organisation in Taiwan.

.....

The Ministry of External Affairs may please refer to this Secretariat U.O. of even no. of date on the above subject.

D.5102-Paro/73
22/8

2. A copy of the entry for List of Business for 23.8.1973, indicating the exact text of the matter to which attention will be called, is enclosed.

(P.K. PATNAIK)
JOINT SECRETARY.

Ministry of External Affairs.

L.S.S. U.O. No. 9/1/73/T, dated the 22nd August, 1973.

acknowledged
JS(EA) for n/a.

EM

MHC
23/8

For 23.8.1973

CALLING ATTENTION

SHRI SAMAR GUHA to call the attention of the Minister of External Affairs to the reported instructions issued to the Netaji Inquiry Commission by the Ministry of External Affairs not to seek any help from the Government or any non-official organisation in Taiwan.

(12)

MOST IMMEDIATE

(28)

MINISTRY OF EXTERNAL AFFAIRS
PARLIAMENT SECTION

82 88-EA/23
23

The Hon. Speaker has admitted for tomorrow i.e. 23rd August, 1973, a Calling Attention Notice tabled by Shri Samar Guha, on the following subject:

"The reported instructions issued to the Netaji Inquiry Commission by the Ministry of External Affairs not to seek any help from the Govt. or any non-official organisation in Taiwan."

JS(EA) has been requested to take necessary action in this regard.

Submitted for information please.

B. Swaraj
(B. Swaraj) *mye*
Research Officer (Parl)

COPY TO:

P.S. to F.M.

P.S. to Minister of State

P.S. to Foreign Secretary

P.S. to Secretary (EAST)

J.S. (EA)

Please prepare
a draft
statement.

Please find a copy
of the statement
attached
3/2
2/8

MHC
mye

Admission

Secy(E)
EA

Swaraj
24/8

(13)

D. 4599-884 10/23

MOST IMMEDIATE

MINISTRY OF EXTERNAL AFFAIRS
PARLIAMENT SECTION

.....

8291-211/23

The Hon. Speaker has admitted for tomorrow i.e. 23rd August, 1973, a Calling Attention Notice tabled by Shri Samar Guha, on the following subject:

"The reported instructions issued to the Netaji Inquiry Commission by the Ministry of External Affairs not to seek any help from the Govt. or any non-official organisation in Taiwan."

JS(EA) has been requested to take necessary action in this regard.

Submitted for information please.

B. Swaraj

(B. Swaraj)
Research Officer (Parl)

COPY TO:

P.S. to F.M.

P.S. to Minister of State

P.S. to Foreign Secretary

P.S. to Secretary (EAST)

J.S. (EA)

Retain in file

GAJ

MHC
23/8

Dy. No. 5340
Secy (East)/73
Dated 23/8/1973

(14)

D.4922-ISA/73
22.8.73

LOK SABHA. 23RD AUGUST 1973

8314.2A/73 (20)

CALLING ATTENTION NOTICE TABLED BY SHRI SAMAR GUHA ON
THE FOLLOWING SUBJECT:-

"The reported instructions issued to the Netaji
Inquiry Commission by the Ministry of External
Affairs not to seek any help from the Govt. or
any non-official organisation in Taiwan."

Statement to be made by Foreign Minister is
placed below. The statement has been approved by F.M.

A Note for Supplementaries is also attached.

(V.V. Paranjpe)
Joint Secretary
22.8.1973

F.M.

MOS

SECRETARY(E)

SHRI SWARAJ, PARLIAMENTARY ASSISTANT

for cyclostyling and necessary action.

E-A Div.

MPC
24/8/73

(31)

LOK SABHA, 23.8.73

CALL ATTENTION NOTICE ON NETAJI ENQUIRY COMMISSION

STATEMENT BY THE FOREIGN MINISTER

The Netaji Enquiry Commission is an independent body which decides on its own procedures. When the Commission proposed to visit Taiwan, it sought Government's advice in the matter. The Government of India informed the Commission that it did not recognize Taiwan and, therefore, neither the Government nor the judicial bodies appointed by it could enter into direct or formal contacts with Taiwan Administration. It was, therefore, natural that the Government should suggest to the Commission to avoid any formal approach to the Taiwan authorities and to make an independent enquiry on its own.

Normally, the Commission, during its visits to foreign countries, had conducted its enquiries with the assistance of the Indian diplomatic missions abroad. In the case of Taiwan, this avenue was not available and the Commission had necessarily to rely on informal arrangements and assistance of private parties; Shri Samar Guha, we learn, actively assisted the Commission.

The Government has not received any indication from the Commission that Government's advice had, in any way, impeded its work of investigation in Taiwan. In fact, during its 9 days' stay in Taiwan, the Commission visited all the places it wanted to and examined all the witnesses who came to offer evidence including those produced by Shri Samar Guha. According to our information, the Commission is satisfied with its work in Taiwan.

—

Note for supplementaries

In 1971 the Netaji Inquiry Commission which was set up by the Government to inquire into the disappearance of Netaji Subhash Chandra Bose approached the Government for facilities to visit some foreign countries in order to carry out its assigned task. Taiwan was included in the list of places to be visited. The Government considered this and some informal enquiries were made. However, as stated in the Lok Sabha on the 10th May, 1972 by Shri K.C. Pant, Minister of State for Home Affairs, certain difficulties arose over the Taiwan visit. The Taiwan authorities wanted a formal request from the Government of India which could not be issued since India has no diplomatic relations with Taiwan.

2. Subsequently, in late May, 1972, 32 Members of Parliament addressed a memorandum to the Prime Minister in which it was stated that if the Commission did not visit Taiwan it would not be able to reach positive conclusions. It was also pointed out that even in the absence of diplomatic relations, ways and means should be devised for arranging the visit to Taiwan.

3. In early June 1972 the Foreign Minister met some opposition leaders in Parliament and mentioned to them that apart from the difficulty arising because of the lack of diplomatic relations, the Taiwan authorities had also put forward the pre-condition that they would allow the Netaji Commission to visit Taiwan only if we gave an assurance on reciprocity for visits to India by Taiwanese. Obviously such an assurance could not be given.

-: 2 :-

Shri Guha's letter
to P.M. in December.
1972.

4. Thereafter on the 23rd December, 1972, Shri Samar Guha wrote to the Prime Minister and made certain suggestions for an informal visit by the Commission to Taiwan. The matter was once again examined carefully and in response to the strong demand from various quarters, as also the desire to enable the Commission to make a definitive inquiry into the disappearance of Netaji Subhash Chandra Bose, it was decided that the visit to Taiwan could take place. However, since the Government did not recognise Taiwan and had no official contacts with it, the Commission would have to use ordinary travel channels to arrange for visas, accommodation, etc. By announcing the dates of its visit and inviting people having a knowledge about the terms of the inquiry to tender evidence to the Commission, it was expected that the Commission would be able to discharge its functions.

The Commission's
visit to Taiwan.

5. Accordingly, the Commission visited Taiwan for nine days from the 10th to 18th July, 1972 after having arranged for its visas and other travel formalities in Hong Kong. The Commission was able to make all the arrangements in a very satisfactory manner and obtained the assistance of various non-officials, including some overseas Indians. There was extensive coverage of the visit in the Taiwan Press and the Commission not only examined certain witnesses whose names and addresses had been furnished earlier by Shri Samar Guha but also examined some witnesses who turned up on their own after learning of the Commission's visit to Taiwan.

-: 3 :-

The Commission held morning and afternoon sittings, including a full day's session on a Sunday. Shri Samar Guha, who had reached Taiwan a few days before the Commission, also held a press conference and assisted in the arrangements.

6. We have learnt from Mr. Justice G.D. Khosla that he was highly satisfied with all the physical arrangements of the visit. At no stage did he feel any constraints on him or that any attempt had been made by any agency whatsoever to "sabotage" the visit. He received full cooperation from the people of Taiwan. The authorities there also allowed the Commission to visit Taikoho^{Hoku} airport which was the site of the 1945 aircrash.

Ministry of Home
Affairs letter on
the Taiwan visit.

7. As the House will be aware, the Netaji Inquiry Commission has the fullest authority to gather evidence relating to the disappearance of Netaji Subhash Chandra Bose. At the same time this mandate necessarily does not extend to foreign countries and the Commission has no powers to demand evidence from outside India. In all foreign countries which the Commission has visited it has depended on the Indian Embassy concerned, to examine witnesses and gather other relevant evidence. In the case of Taiwan, since there was no Indian Mission available which could render this assistance, the Commission had to make its own arrangements.

In a letter addressed by the Ministry of Home Affairs to the Commission in March 1973 (Copy at Annexure I) it was pointed out that the Ministry of External Affairs would not be able to arrange any facilities for the visit and the Commission would have to use ordinary travel

-4-

Channels. The Commission was advised not to depend on any intermediary organisations for examining witnesses but rather to make its presence known in Taiwan and then examine such witnesses as were relevant to the case. The Commission was also cautioned not to have official contacts with Taiwanese leaders or Government officials, particularly the Foreign Ministry. While such advice given to an independent judicial body such as the Netaji Commission cannot be construed as "directives", it was entirely proper for the Government to bring to the notice of the Commission points which would have a bearing on India's relations with foreign countries. In view of the fact that India does not recognise Taiwan, has full diplomatic relations with the People's Republic of China and has consistently held Taiwan to be a part of the PRC, it would have been undesirable for the Commission to write directly to the Taiwan authorities. Exercising its own independent judgement the Netaji Commission decided to accept the advice given by the Government.

As for ~~xx~~ the suggestion that the Commission might make its presence known in Taiwan and thereby attract witnesses rather than rely on any intermediary organisation in fact the Commission issued letters to various individuals in Taiwan in advance of its visit, on the basis of a list supplied by Shri Guha. Some of these witnesses turned up to give evidence while a few others did not.

-: 5 :-

In addition, there were witnesses who came up on their own after news about the enquiry had been published in Taiwanese newspapers. Shri Guha reached Taiwan a few days in advance of the Commission and held a press conference and contacted various authorities in order to assist the Commission. Justice Khosla was also honoured at receptions given by the China-India-Burma-Sri Lanka Cultural and Economic Association and by the Taiwan Bar Council. It is thus evident that the Commission did not encounter any lack of cooperation from the people of Taiwan and it felt no inhibitions or restrictions in its inquiries.

Shri Guha's request to the Commission to extend its stay in Taiwan.

Shri Guha suggested to the Commission that it should extend its stay in Taiwan but because there was no firm indication of the types of witnesses or the evidence which might be produced if the Commission's visit were prolonged, the Commission decided to stick to its original schedule of a nine-day stay in Taiwan. There were no directives from the Government in this regard.

The cooperation received in Taiwan.

According to Justice Khosla the people of Taiwan gave him the fullest cooperation. He was also assisted, on an informal basis, by various authorities. We have learnt that while conducting its sittings in Taiwan, the Commission did not feel that its activities had been circumscribed or inhibited through any Government directives. Justice Khosla also said privately that the visit was fruitful.

(37)

MINISTRY OF EXTERNAL AFFAIRS
(EA DIVISION)

The main charges which Shri Samar Guha has raised against the Government concerning the Netaji Commission's visit to Taiwan are listed below together with our replies to the points.

Allegation

1) The Government issued a secret directive to the Commission prohibiting it from writing to the Taiwan Government and its Foreign Ministry. The Taipei Government did not want a formal letter from the Government of India but wanted that the Commission should write to the East Asia Department of their Government seeking cooperation. The Commission refused to write this letter.

2) The Government prohibited the Commission from addressing any letter to any non-official association in Taiwan seeking their cooperation.

Reply

1) In a letter issued in March, 1973 after consulting this Ministry, MHA suggested to the Commission that care should be taken not to do anything which would lead to their visit being interpreted as involving official dealings with the Taiwan Government and to avoid official contacts with Taiwan Government officials, particularly the Foreign Ministry or other prominent leaders. This advice was entirely consistent with the fact that we have no diplomatic relations with Taiwan. The Commission fully agreed with this advice.

Even without an official communication from the Commission, the Taiwan authorities permitted the Commission to visit the Taihoku airport which is a high security area. The Commission also visited the crematorium where Netaji is believed to have been cremated.

2) When Shri Samar Guha wrote to P.M. in December, 1972 suggesting alternate informal methods for the Commission's visit to Taiwan, he indicated that a non-official body such as the Civic Association, the Buddhist Association or the China-India Friendship Association ~~xxxx~~ could be asked to act as host to the Commission. After full consideration, we decided that the Commission should make its own travel arrangements and not depend on any intermediary organization. We also suggested to the Commission that "it may not be desirable to depend on any intermediary organization for the examination of witnesses." Instead, it would be better for the Commission to announce the dates of their visit to Taiwan and invite those having information to tender evidence before it. The results of the Commission's visit show that witnesses who were contacted earlier as also others who heard

2.

of the Commission's enquiry came forward on their own to tender evidence.

We had not prevented the Commission from meeting private parties or non-official organisations in Taiwan.

In fact, the Commission was given full cooperation by the people of Taiwan and receptions were held in honour of Justice Khosla by the China-India Association as also the Bar Association of Taiwan.

3) The Commission was requested to extend its sittings for a few days so that some more material could be found and important personnel could be located but the Commission refused to do so due to the "strict directive" given to it.

3) There was no directive from the Government obliging the Commission to restrict its visit. According to our information, Justice Khosla did not accept Shri Samar Guha's request for an extension because Shri Guha was unable to confirm that any material witnesses would be located or even to indicate the type of evidence which might become available. It was the Commission's own decision that it should stick to its originally scheduled 9-day stay in Taiwan.

4) The Taiwan authorities were annoyed because the Secretary of the Commission addressed a letter to the "Foreign Office, Govt. of Formosa, Taiwan."

4) In advance of the Taiwan visit, Shri Guha gave the Commission a list of potential witnesses. At his suggestion, the Commission wrote to them but since the addressees of a few were not available, at Shri Guha's suggestion, these letters were addressed to these individuals by name, care of the Foreign Office, Government of Formosa, Taiwan. The Secretary of the Commission also discussed this with the Under Secretary (Japan) in the MEA and he too did not suggest any different mode of address.

Kx In the absence of diplomatic recognition, this was as good a means of addressing a letter as any other since, obviously, the Commission could not have written to the "Republic of China", which is the formal title preferred by the Taiwan authorities. The Taiwan authorities did not refuse to accept these letters. Moreover, according to the Chairman of the Commission, he did not receive any direct or indirect protest or expression of displeasure from any

of the Commission's energy came forward on their own to tender evidence.

We had not prevented the Commission from meeting private parties or non-official organizations in Taiwan.

In fact, the Commission was given full cooperation by the people of Taiwan and reception were held in honor of Justice Kuo by the China-Taiwan Association as also the Bar Association of Taiwan.

3) There was no directive from the Government obliging the Commission to resist its visit. According to our information, Justice Kuo did not accept Lord Ganesha's request for an extension because Lord Ganesha was unable to certify that any material witnesses would be located or even to indicate the types of evidence which might become available. It was the Commission's own decision that it should stick to its originally scheduled 9-day stay in Taiwan.

4) In advance of the Taiwan visit, Lord Ganesha gave the Commission a list of potential witnesses. As his suggestion, the Commission wrote to them but since the addresses of few were not available, as Lord Ganesha's suggestion, these letters were addressed to these individuals by name, care of the Foreign Office, Government of Taiwan. The Secretary

This Paper is OK

assessed this with the Secretary (Japan) in the HMA and he too did not suggest any different mode of address.

It is the absence of diplomatic recognition, this was as good a reason for addressing a letter as any other since, obviously, the Commission could not have written to the "Republic of China", which is the formal title preferred by the Taiwan authorities. The Taiwan authorities did not refuse to accept these letters. Moreover, according to the Chairman of the Commission, he did not receive any direct or indirect protest or expression of displeasure from any

3) The Commission was requested to extend its sitting for a few days so that some more material could be found and important personnel could be located but the Commission refused to do so due to the "strict directive" given to it.

4) The Taiwan authorities were annoyed because the Secretary of the Commission addressed a letter to the "Foreign Office, Govt. of Taiwan, Taiwan."

Taiwanese and Shri Guha mentioned this only on one occasion to the Secretary of the Commission in Taiwan.

5) The People and Government of Taiwan showed an attitude of extreme goodwill, friendship and cordiality to India and did not raise any political issues. However, the Commission was frustrated by MEA's directive which curbed its initiative and freedom.

5) According to Justice Khosla, the people of Taiwan fully cooperated with the enquiry as did the authorities who were informally approached for facilities such as the visit to Taihoku airport. The Commission also received its visas in Hong Kong without any difficulty and these were given gratis. The Commission held full days' sittings throughout its visit, including Sundays.

STATEMENT BY THE MINISTER OF EXTERNAL AFFAIRS
IN LOK SABHA ON AUGUST 23, 1973 REGARDING THE
REPORTED INSTRUCTIONS ISSUED TO THE NETAJI
INQUIRY COMMISSION NOT TO SEEK ANY HELP FROM
THE GOVERNMENT OR ANY NON-OFFICIAL ORGANI-
SATION IN TAIWAN.

The Netaji Enquiry Commission is an independent body which decides on its own procedures. When the Commission proposed to visit Taiwan, it sought Government's advice in the matter. The Government of India informed the Commission that it did not recognize Taiwan and, therefore, neither the Government nor the judicial bodies appointed by it could enter into direct or formal contacts with Taiwan Administration. It was, therefore, natural that the Government should suggest to the Commission to avoid any formal approach to the Taiwan authorities and to make an independent enquiry on its own.

Normally, the Commission, during its visits to foreign countries, had conducted its enquiries with the assistance of the Indian diplomatic missions abroad. In the case of Taiwan, this avenue was not available and the Commission had necessarily to rely on informal arrangements and assistance of private parties; Shri Samar Guha, we learn, actively assisted the Commission.

The Government has not received any indication from the Commission that Government's advice had, in any way, impeded its work of investigation in Taiwan. In fact, during its 9 days' stay in Taiwan, the Commission visited all the places it wanted to and examined all the witnesses who came to offer evidence including those produced by Shri Samar Guha. According to our information, the Commission is satisfied with its work in Taiwan.

(5)

नेता जी जांच आयोग को ताइवान की सरकार या ताइवान की किसी गैर-सरकारी संस्था से किसी प्रकार की सहायता न मांगने के कथित अनुदेश के संबंध में विदेश मंत्री का लोक सभा में सिनांक २३ अगस्त, १९७३ को वक्तव्य

नेता जी सुभाष आयोग एक स्वतंत्र निकाय है जो अपनी क्रियाविधि स्वयं निश्चित करता है। आयोग ने जब ताइवान की यात्रा करने का विचार किया तो इस मामले में सरकार की सलाह मांगी। भारत सरकार ने आयोग को सूचित किया कि वह ताइवान को मान्यता नहीं देती इसलिए न तो सरकार और न सरकार द्वारा नियुक्त कोई न्यायिक-निकाय ही, ताइवान सरकार से प्रत्यक्षा अथवा औपचारिक सम्पर्क स्थापित कर सकते हैं। इसलिए यह स्वाभाविक ही था कि सरकार आयोग को यह सलाह देती कि वह ताइवान के अधिकारियों से कोई औपचारिक सम्पर्क न करे और स्वयं ही स्वतंत्र रूप से जांच का कार्य करे।

सामान्यतः, विदेशों की अपनी यात्राओं के दौरान, इस आयोग ने, विदेश स्थित भारतीय राजनयिक मिशन की सहायता से जांच का अपना कार्य किया था। ताइवान के मामले में यह सुविधा उपलब्ध नहीं थी, इसलिए आयोग को अनिवार्यतः औपचारिक प्रबन्धों और निजी पदों की सहायता पर निर्भर करना पड़ा। हमें ज्ञात हुआ है कि श्री समर गुह ने आयोग को सक्रिय सहायता दी।

सरकार को आयोग से ऐसा कोई संकेत नहीं मिला है कि उसकी सलाह से ताइवान में आयोग के जांच कार्य में किसी तरह की कोई रुकावट आई है। वास्तव में, ताइवान में अपने ६ दिन के प्रवास के दौरान आयोग ने उन सभी स्थानों को देखा जिन्हें वह देखना चाहता था और उन सभी गवाहों से भी जिरह की जो आयोग के सामने गवाही देने के लिए आए या श्री समर गुह द्वारा पेश किए गए। हमारी सूचना के अनुसार आयोग ताइवान में अपने कार्य से संतुष्ट है।

(16)

23.8.73 / Uncorrected - Not for Publication

12042

IS
N-5
1202

CALLING ATTENTION

Reported instructions issued to
the Netaji Inquiry Commission by the
Government not to seek any help from
the Government or any non-official
organizations in Taiwan.

Mr Speaker: Mr Samar Guha.

Shri Indrajit Gupta (Alipore): It is Mr Samar Guha's
day to-day.

Mr Speaker: Yes, it is his day.

Prof Samar Guha.

Shri Samar Guha (Contai): Sir, I call the attention of
the Minister of External Affairs to the following
matter of urgent public importance and I request that
he may make a statement thereon:-

"The reported instructions issued to
the Netaji Inquiry Commission by the Ministry
of External Affairs not to seek any help
from the Government or any non-official
organisation in Taiwan."

E. A. / DW

M. P. C.
24/8

TS
N-7

23.3.73 / Uncorrected - Not for publication

12044

Shri Samar Guha: During my eleven days' stay at Taipei
on an effort to investigate into
the issue of disappearance of Netaji at Taipei, I found
no positive proof whatsoever of Netaji's reported death
in the alleged plane crash at Taipei. From all the
available facts, information, records and documents that
we could get hold of, I have come back with the conviction
that Netaji did not die in the alleged plane crash at
Taipei. I met the Prime Minister and have indicated my
views and the reasons for that, to her.

(Cd by O)

If the Minister of External Affairs did not issue any instruction to the Netaji Enquiry Commission and allowed it a free hand to investigate as it liked in Taiwan perhaps the Netaji mystery would have been finally resolved. Wherever I went they asked me one question. They asked me, why have you come to Taipeh after 27 years? They told about this, whenever there is any incident, at any place, the first task of any committee, any commission, any Government, would be to see that they first visit the place of the occurrence of that event. When they asked me that question, why have you come after 27 years, I knew the answer, the political answer of it, but I did not tell that answer in that country, because, I did not want to discuss our internal issues in a foreign country. Just a few minutes back I have got along reply, a letter from him, because, I wrote a long letter to the Prime Minister. The Prime Minister directed that letter to the External Affairs Minister, and I received this long letter from him. When I asked the Prime Minister why this instruction was given, she expressed her surprise. She told me, I don't know anything, why they have done so, I don't know. There is no question which is more paramount than the question of doing everything possible to enquire into the issue of the disappearance of Netaji at Taipeh. For any country no question can be more paramount, more important, than to know what happened to one of our most beloved, one of our dearest leaders of the nation. The Minister was very kind in his reply to me. I quote from his letter to me. He says:

23-8-73/Uncorrected-Not for Publication

12046

(Shri Samar Guha - cd)

"It was through your efforts and advice that the Commission was able to make a visit to Taiwan and hold its sittings there in a satisfactory manner."

Then the letter says:


"It was at your initiative that a formula was worked out which would make the visit possible on a private basis."

In that letter he has further said. I quote:

"I understand that the question of obtaining evidence and witnesses was discussed with you extensively by Mr. Justice Khosla before the departure of the Commission for Taiwan."

Then it says:

.. "He had stressed to you that the Commission was relying on you and your friends for help in gathering the available evidence."



12247
Shri Samar Guha-cd

I want to make it very clear to you, Sir, that the Commission did not seek any advice from me at all. It is a fact that they wanted some names and I gave some names. Justice Khosla did not have even a syllable with me, what to speak of discussion, Sir. He did not have even a syllable with me, about the modalities or the programme of the Commission's visit to Taiwan. I want to make it clear that I did not take any other initiative except that I wanted the visit of the Commission to the place of the occurrence of the plane crash. The hon. Minister has used very kind words and very nice words, I have given my advice, my time, etc. etc. But I want to draw your attention to this matter, Sir. I sought the help of Dr. Karan Singh.

(Cd by P)

GSE:

12-10

P-1

(Shri Samar Guha - Contd.)

Sir, I sought the help of Dr. Karan Singh for just giving us the concessions to travel by Air India for three persons who are accompanying us. That was refused. Sir, I know that hundreds of such concessions were being given to the people who were attending the international conferences. I had to beg or borrow - not steal - Rs. 25,000 just to complete this task which I undertook.

I was also surprised, when I sent a telegram to my friend there - a Taiwanese Indian - who is the President of an Association, to know two or three days after of my arrival there when we were going along with the Commission at Hong Kong, the Commission people did not even recognise this man. They were taking interest; even the clerks were associated with the Khosla Commission. I went to the Khosla Commission to do a little bit of my preparatory work for which I am thankful to the press and the people there. They made elaborate arrangements. And in almost three to four columns of their English and Chinese papers in Taiwan appeared news about our leader, Netaji Subhash Chandra Bose - Netaji Inquiry Commission. They covered the news in their television about Netaji. There was a first conference. I want to draw your kind attention to what I said in the press. I quote:

"This is the reason we are in Taiwan - not for political purposes but to discharge"

I told them that this was not for any political reasons that we were there but we were there to discharge a certain duty on behalf

12049

GSK:

P-2

(Shri Samar Guha - Contd.)

of the people to find out from all available sources as to what exactly has happened to our beloved leader, Netaji Subhas Chandra Bose.

When I met their leader, they never raised diplomatic or political issue. They did not even ask the Commission to write to their Government. When I pointed out to them that it was for holding the court proceedings in a foreign country, and so whether permission from their Government would be necessary. I also did a little bit of my duty. There was a little bit of technicality here. The Commission should write to the Foreign Department of that country to seek their permission to hold a court proceedings there. I say they were eager to give all the necessary help to us. I said that the simple thing would be this. I suggested to the Commission that they might write a letter to Government for holding the court proceedings there. But, I was surprised to know that there was instruction from the Government of India not to seek for permission either directly or indirectly to hold the court proceedings there either from the government or even seek the help from the non-official bodies there. I now quote what the hon.Minister wrote to me. He says:

"....neither the Government of India can enter into direct or formal contacts any time with the Government of Taiwan and its departments."

have

Look at the words used - not to/contact with not only official but also
/with non-official directly or indirectly. In the same letter this is

GK:

P-3

(Shri Samar Guha - Contd.)

what he says:-

"In the political context mentioned above, however, it was natural that we should suggest to the Commission not to make any formal approach to the Taiwan authorities and to make an independent enquiry without enlisting the formal cooperation of any official or non-official body there."

I contacted the authorities there. And I did a little bit of my thing. I came to know that they were not going to reserve a place in a hotel for holding the court proceedings there. I told them that this was the issue for the Indian people. Do not stand in for this technicality for getting the permission for the above purpose. Let the Commission be allowed to hold its court proceedings there. But, we will not get any official cooperation from them. Informally we may get some cooperation from some Members of Parliament.

(Contd. by 3)

Balu
Q-1
1215

(Shri S. mar Guha--contd.)

12051

In the same letter, the hon. Minister has congratulated me on the fact that I had approached the Government there, the authorities there and got some help from them.

I want to draw your attention to another point also. They said 'Do not contact'. On 17th and again earlier on the 13th August, in reply to two of my questions it was said that during those few months, 69 Indian ships of both the public and private sectors were at Taipei. Directly, our Government had their export-import trade with the Government there, of transport equipment, ores, concentrates, mica, silicon etc. Our officials of the Railway Board and our officials of the MMTC regularly visit that place. I know something more but I do not want to disclose that in the interests of the nation. Are these not contacts? If a judicial body contacted them indirectly, that would amount to contact. But when our officials regularly visit the place, is that not contact? As I have said, I know something more, but I shall not disclose it here. What kind of logic is this? It is just the difference between Tweedledum and Tweedledee.

The hon. Minister has admitted that it was just a suggestion. But what is that suggestion? The secretary to the commission told me, and the Government counsel told me that they had a written suggestion. I know that only to obviate certain legal difficulties, they used the word 'suggestion'. But the written suggestion is nothing but a directive. They say that they were the

Balu
Q-2

(Shri Samar Guha--contd.)

creatures of Government, and as such they were bound by the Government instructions. But I would like to point out that a judicial body may be a creature of the Government, but as soon as the creature is born, as a judicial body, it has its own independent authority.

I want to conclude by saying that I was not satisfied with the work of the Commission. The commission acted like a passive inert body there. If I did not accompany them, they would have come back without doing anything except perhaps doing a little bit of shopping there.

The hon.Minister has said in his letter that the work of the commission was not hampered. I would like to point out how the work was actually hampered. The commission did not take any initiative whatsoever. The commission did not take any initiative to visit any place. But it was I who insisted with the help of my friends and Members of Parliament, and in fact everything was done by me, and I forced the commission to go to the different places.

The most important place to be visited was the runway there. It is an important aspect, and I am pointing this out in order to show why I am not satisfied and to show how the work was actually hampered. This is very important. The picture of the runway did not agree with the pictures that were given by Col. Habibur Rehman to the Japanese.

Balu

Q-3

(Shri Samar Guha--contd.)

I beseeched Justice Khosla to look at the topography of the hill surroundings. I also said that if he could write to the Government of Taiwan, they would have allowed the commission to take a photograph of that place.

Again, the meteorological report is totally against . . . The place where the plane crash occurred is such that it cannot occur there. So, the meteorological report is totally against the crash. It cannot occur inside that area.....

Mr Speaker: Will the hon.Member please listen to me?

Shri Samar Guha: I am just pointing out how the work was hampered. I am just coming to it....

Mr Speaker: It is not a question of his coming to it or not.

Let him kindly listen to me...

Shri Samar Guha: I shall take only two or three minutes more.

Mr Speaker: These are matters which are under inquiry, and the commission is sitting already, and the commission is going to give its findings. Why does the hon.Member now make a speech on these things?

Shri Samar Guha: Please allow me. This is an important issue.

I asked the meteorological officer there, and I requested the commission to take the report from him. But the commission said that they could not take any official report from them. Therefore, no chart could be taken from them.

Balu
C-4

(Shri Samar Guha--contd.)

I shall also give you two sensational documents. One of them I got from an old file there. Another sensational document is the death certificate of Netaji from the crematorium. I beseeched the commission that if they could write to the Government of Taiwan, they could have the death certificate authenticated by them. But the commission refused. I have got here the photostat copy. After transmitting it to them, do you know what they did with it? I would like to tell you, Sir, that these are the certificates of a Japanese soldier and not of Netaji. What greater proof can there be than this that two British investigating officers, Mr Young and Mr Wright who were sent by the British in 1946 said that it was a master deception plan? I requested the commission to continue to stay there for another three days. I told them that I could get ten men who could testify that it was in September, 1944 that a plane crash occurred at that place. Mr Young said that what was given out was a concocted story.

(contd. by R)

ps R-1 1220

Shri Samar Guha -cd

bring
One man came to me. He said he could 40 or 15 men
to testify. I requested Shri Khosla: 'Please continue.
I will bring all of them to testify that the 'plane
crash occurred not in 1945 but a year earlier in that
place'. Such a vital evidence, such a material
particular, such an important documentary evidence
could not be placed before the Commission.

This book Gallant End of Netaji by Harin Shah
which greatly influenced Pandit Jawaharlal Nehru and
others contains some pictures...

Mr. Speaker: Please sit down. You are discussing the
conduct of the Commission which is not permissible
under the rules.

Shri Samar Guha: What happened to our great leader? Was
anything done to find out during all these 27 years?
We could not hold an independent inquiry. We owe it
to the nation, we owe it to posterity to find out
what has happened. We owe it to the conscience of
the nation to find out...

Mr. Speaker: Will you please sit down?

Shri Samar Guha: I would like to know whether the text of
the letter that was sent would be published. I would
like to know whether they are going to write to the
Commission to get all the documents.

I repeat that the object of the visit has been -

ps R-2

Shri Samar Guha -cd

frustrated by this instruction. We owe it to the nation, we owe it to posterity, we owe it to ourselves, we owe it to anything that is in the conscience of the nation to find out what happened to our great leader. But we did not care to hold a proper inquiry into this. For this the nation has to answer posterity.

Shri Swaran Singh: The hon. member perhaps could have done better to give a press interview to explain all this because he has said a number of things. He has points which he thought he urged before the Commission and the Commission did not accept them. A great part of what he has said in a very agitated manner relates to that matter.

Shri Samar Guha: You do not feel agitated?

Shri Swaran Singh: I did not interrupt you. Let me proceed.

This posture, as if he really is the only person in this country who has reverence for Netaji Subhas Bose is, if I may say so, completely misplaced.

Shri Samar Guha: I protest. I have not taken that posture. This is adding insult to injury.

Mr. Speaker: Please sit down.

Shri Swaran Singh: I do not know if he has asked anything.

He has hurled from my letter. If he wanted to have it placed in record, the best thing was to place the whole of it in record. I have no objection.

Shri Samar Guha: I will do it.

Shri Swaran Singh: There is nothing in that which is different

ps R-3

Shri Swaran Singh -cd

from what I have said in my reply. To save the time of the House, I made a briefer statement. I thought that my longer statement would satisfy him and he would not trouble the House by asking all these questions over again.

Shri Samar Guha: Troubling the House? Look at the attitude of the Minister.

Shri Swaran Singh: But he has the floor of the House and has made a statement. He has not asked anything from me. There is really nothing I should answer, but probably he wanted to unburden himself, which he has done.

Shri Samar Guha: This is unburdening the conscience of the nation.

Shri Swaran Singh: This attempt to monopolise the conscience of the nation is, if I may say so, much to be regretted and this posture is, I suggest in all humility, best eschewed, rather than pose as if the entire conscience of the nation is concentrated in his lips or in his brain. All of us have the highest respect for Hazaji...

Shri Samar Guha: For all these 27 years what did you do? Did you care to hold an inquiry? Did you care to visit the alleged place of occurrence.

Shri Swaran Singh: We can discuss these things in the Central Hall or Lobby's because I think it is better that ^{here} we confine ourselves to relevant material. As he has not asked me any question, I cannot answer any.

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Shri Samar Guha: Is the Government going to place the text of the suggestion on the Table of the House, the suggestion issued to the Netaji Enquiry Commission?

Shri Swaran Singh: No, Sir; we have no intention.

Shri Samar Guha: How can he say that he has no such intention?

श्री सुमर गुहा : क्या वास्तव में ऐसा है । मंत्री जी को क्या कोई भी

उत्तर को मताने से मना कर दिया है । उन्होंने यह जाना नहीं कि वह मताना

सबिल में नहीं है । वह उर देश की जिम्मेदारी को नहीं भूल जा रहा ।

कि ग्राहक को वे इस हानि को निवारित कर रहे हैं ?

Shri Samar Guha: It is not a suggestion; it is actually a directive. I seek your protection, Mr. Speaker. It is up to you to ask them to place it on the Table of the House.

Shri Swaran Singh: I have already mentioned in my statement and I have also communicated it to the hon. Member in the letter the substance of what was suggested to the Commission. It is not customary that the entire correspondence is made public; it is not done....(Interruptions)

Mr. Speaker: Let there be no debate on this now.

श्री सुवरण सिंह : मैंने पहले बयान में कहा था कि मैंने उस पत्र में जो सुझाव आयोग को दिये थे, उनका सारा सार ही दे दिया है। मैंने पूरा पत्र ही नहीं दे दिया है। क्या आप कहना चाहते हैं ?

Shri Shyamnandan Mishra: On a point of order. There may not be very precise questions clearly posed by the hon. Member. But there are certain issues which require clarification and that clarification depends upon the correspondence which the hon. Minister is withholding from us. Unless we see that we cannot say whether those issues have been clarified or not.

Mr. Speaker: He has said that the substance had been given in the letter.

श्री श्यामनंदन मिश्रा : मैंने कहा था कि मैंने उस पत्र में जो सुझाव आयोग को दिये थे, उनका सारा सार ही दे दिया है। मैंने पूरा पत्र ही नहीं दे दिया है। क्या आप कहना चाहते हैं ?

श्री लाल बिहारी माधोजी जारि

'It was therefore natural that the Government should suggest to the Commission to avoid any formal approach to the Taiwan authorities to make an independent enquiry on its own.'

हम माद्रे-मोरे की मांग नहीं कर रहे हैं। सरकार ने कमिशन को सल्लन किया है।
 यह कि मांग है? मुहा माह-मांग कर रहे हैं कि यह सल्लन टैल मा
 रख दिया जाए, उन्नी मांगी रख दी जाए मांगी
 देश को पता चल जाए कि सरकार कहां रही है।

Shri Shyomnandan Mishra: An enquiry is held in response to a public demand. The public would demand what correspondence is coming in the way of an objective enquiry?

श्री लाल बिहारी : मांग मांगी माद्रे दीजो। मांगला रख हो मांगला।

Shri Swaran Singh: My submission is very simple one. It is the attitude of the Government. We do not recognise the Government of Taiwan. We have from the beginning recognised the People's Republic of China and we have always recognised Taiwan territory as part of the People's Republic of China... (Interruptions)
 That is the main question. Because we did not recognise Taiwan we suggested to the Commission that if you want to go there, Government does not recognise any governmental authority in Taiwan.

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(Shri Swaran Singh - contd)

Therefore, it was our suggestion that just as Government does not approach the Government of Taiwan because we do not recognise them, therefore a body created by Government, a judicial body, also should avoid dealing with them in an official manner. This is ^{all} that is contained there. I have mentioned it already. It is a question of substance and not of words....(interruptions)

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, यह मामला आप को तय करना है, मंत्री महोदय को नहीं। क्या मंत्री महोदय बिना किसी वजह के कोई चीज सदन की टेबल पर रखने से इन्कार कर सकते हैं ? उन्होंने क्लेम नहीं किया है कि यह बताना पब्लिक इन्ट्रेस्ट में नहीं है।

Rule,

Mr Speaker: The/practice and convention that we have observed up to this time is that Government correspondence, if the Minister does not want it, is not laid on the Table. He can quote a part of it or give a summary. It is already accepted in this House. There are a number of cases on it. The House has been following it. Suppose tomorrow he makes a reference out of a certain document and you demand "please lay the whole file on the Table", it will be a very bad practice/ and against the rule. He says that he has given the relevant part. Rule 368 says:

(Mr Speaker - contd)

"If a Minister quotes in the House a despatch or other State paper which has not been presented to the House, he shall lay the relevant paper on the Table:

.....
Provided further that where a Minister gives in his own words a summary or gist of such despatch or State paper it shall not be necessary to lay the relevant papers on the Table."

An hon. Member: It is not a summary.

Mr Speaker: He has given a summary or gist. The rule is very clear on the point.....(interruptions)

Shri S M Banerjee: Sir, I rise on a point of order. When this particular Calling Attention Notice was admitted by you in your wisdom, we expected that some information about the enquiry, some documents, will be placed before us. The hon. Member, Shri Samar Guha, read certain documents to prove that his visit to that particular area in Taiwan has clearly proved to him that the accident did not take place there. In support of that he has read out certain documents and made some statements. The Minister has made a reply to that without giving us any documents.

Sir, you will remember that on an earlier occasion Sardar Iqbal Singh, a member of this House, moved a Resolution in this House that the ashes of Netaji should be brought here. The late lamented Pandit Jawaharlal Nehru said that there is some controversy on this subject and so that resolution was dropped, because this was a very

Shri Shyamnandan Mishra: The hon. Minister has been pleased to say that we do not officially recognise Taiwan. That is, in fact, the position. But, in spite of that, what has been happening is that we have been carrying on trade merrily with Taiwan. During the course of the last one and a half years 69 of our ships have called at Taiwan. For some of our conferences the representatives of Taiwan have been invited. In spite of all this, why does not the Government think it necessary, even for the purpose of such an inquiry, to have some kind of contact with Taiwan when they are already having some contact with Taiwan?

Mr Speaker: There is no point of order in it.

Shri Shyamnandan Mishra: You are taking it lightly. Please do not laugh it away. It is a serious matter which has to be considered.

Mr Speaker: Where is the point of order?

Shri Shyamnandan Mishra: You go on speaking simultaneously while I am on my legs.

Mr Speaker: It does not mean that I should not argue with you.

Shri Shyamnandan Mishra: A unique kind of relationship is existing between you and me.

My submission is that this State has been carrying on some kind of activities with Taiwan. So, why is this State not also allowing the Commission to have some contacts with the Taiwan Government for the purpose of an inquiry of this kind?

Mr Speaker: This is a question which you are addressing to the Minister.

Shri Shyamnandan Mishra: Sir, may I....

Mr Speaker: Please sit down. Do not lose your temper all the time.

Is this a question addressed to the Minister or to the Speaker?

Shri Shyamnandan Mishra: Speaker.

Mr Speaker: A point of order can be about the interpretation of the Rules of Procedure. What you have said just now has nothing to do with the interpretation of rules. It is just a question you are addressing to the Minister. I would request Shri Mishra not to get into an argument with the Chair. This has become a habit with him.

Shri Shyamnandan Mishra: The Chair does not want to give a ruling.

Mr Speaker: I do not appreciate this at all. You are a very senior member. I did not expect it from you.

श्री मधु लाले : अध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है। आप ने नियम 368 के दूसरे प्रोवाइजो का हवाला दिया है, जो इस प्रकार है :

"Provided further that where a Minister gives in his own words a summary or gist of such despatch or State paper it shall not be necessary to lay the relevant papers on the Table."

मंत्री महोदय ने अपने कथान में यह वाक्य कहा है :

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(श्री मधु लिमये - जारी)

"It was, therefore, natural that the Government should suggest to the Commission to avoid any formal approach to the Taiwan authorities and to make an independent enquiry on its own."

मैं इस पर आप का निर्णय चाहता हूँ कि क्या यह जिस्ट या सम्मरी है। इस का रास्ता यह है कि आप स्वयं वह पत्र और इस कथान को देस कर मिलायें।

(डवल्यू द्वारा जारी)

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23.8.73 / Uncorrected - Not for publication

श्री धनु लिपि - जारी

12067

और अगर आप का रेटिस्फैशन हो जाय तो आप हाउस को बताइए, नहीं तो
यत्र हाउस के सामने आना चाहिए ।

Shri Dinen Bhattacharyya: I want to make a submission....

Mr. Speaker: I appreciate it. You are not on a point of order
but on a point of submission.

Shri Dinen Bhattacharyya: This is a sentimental question.

This question is coming up in the House and outside again and
again. Now, you have admitted this Calling Attention Notice
and the Minister comes half-hearted before the House.

He keeps something in his pocket and places something before
the House. That will create a worse confusion. Therefore,
my appeal to the Minister and the Prime Minister is that
let them make it clear, once and for all, what was the
suggestion to the Commission.

श्री धनु लिपि : मैं ने आप से खवाल पूछा है । आप बताइए । मैं ने निम्न के अनुसार पूछा
है ।

Mr. Speaker: The rule is very clear. The Minister can give a
summary. If you think, he did not give a summary, I will
see the relevant letter from the Minister. If I find it is
not a summary, I will tell the House.

Papers to be laid.

Dy. No. 5332 Secy (East)/73

Dated 23/8/1973

SECRET

5634-DM/1/73

भारत सरकार
23/8

GOVERNMENT OF INDIA

गृह मन्त्रालय

MINISTRY OF HOME AFFAIRS

New Delhi-110001

R. Vasudevan,
Deputy Secretary
Tele: 373606

(17)

D.O. No. 24/6/71-Pol.II

23rd August, 1973

My dear Rana,

Reference our telephonic conversation. I am sending herewith a copy of the letter dated 15th March, 1973, addressed to the Chairman, Netaji Inquiry Commission by Shri T.C.A. Srinivasavaradan.

Yours sincerely,

R. Vasudevan
(R. Vasudevan)

Shri K.K.S. Rana,
Director,
Ministry of External Affairs,
New Delhi.

This is the text of the letter actually sent by MHA to the Netaji Commission. (It is exactly the same as the draft on our files) Secretary (E) wanted to see this.

Secy (E)
Div (EA)
Y.C. Per
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R. Vasudevan
23/8

T.C.A. SRINIVASAVARADAN
Joint Secretary.

New Delhi,
15.3.1973.

IMMEDIATE/SECRET

Dear Shri Khosla,

I am desired to enclose a copy of a letter dated 23rd December, 1972, addressed to the Prime Minister by Shri Samar Guha, M.P. Shri Samar Guha has inter alia made some suggestions regarding the visit of the Netaji Inquiry Commission to Taiwan.

2. You are aware of the views of the Government of India in the matter. At an earlier stage, our High Commissioner in Hongkong was given to understand that the Taiwan Government was not willing to extend any facilities to the Commission unless the Government of India made an official request to that effect, which was not possible since the Government of India has not recognised Taiwan. Thus, though the Government of India were not opposed in principle to the visit of the Commission to Taiwan, arrangements for such a visit at governmental level could not be made because of the attitude of the Taiwan Government.

3. It will now be for the Commission to take a decision on the suggestions made in Shri Samar Guha's letter. The Commission may proceed to Taiwan if it is felt that ~~the~~ its inquiry will not be complete without such a visit. The expenses of the Commission would, as in the case of the Commission's visit to other foreign countries, be borne by the Government of India. However, since the Government of India do not recognise Taiwan, and there are no official contacts with them, it would not be possible for the Government of India to arrange for any facilities for the Commission with the Taiwan authorities. The Commission, therefore, will have to use ordinary travel channels to arrange for visas, accommodation etc., in Taiwan. The Commission may not wish to use other channels directly for arranging such facilities.

4. If the Commission decides to visit Taiwan, it may like to announce dates etc., of their visit, invite persons having knowledge about the terms of inquiry of the Commission to tender evidence and examine any of them who, in the opinion of the Commission, may be relevant witnesses. I am desired to suggest that it may not be desirable for the Commission to depend on any intermediary organisations for the examination of witnesses in Taiwan.

5. I am also desired to suggest to the Commission that all possible care should be taken not to do anything which might lead their visit to be interpreted as involving official dealings with the Taiwan Government and to avoid official contacts with the Taiwanese Government officials, particularly in the Foreign Office, or other prominent leaders.

Yours sincerely,

Sd/- (T.C.A.Srinivasavaradan)

Shri Justice G.D.Khosla,
Chairman, Netaji Inquiry Commission,
New Delhi.

This was stated
in Parliament
on the 10th May
1972 by the
Minister of State
for the Home
Ministry.

(68)

STATEMENT BY THE MINISTER OF EXTERNAL AFFAIRS
IN LOK SABHA ON AUGUST 23, 1973 REGARDING THE
REPORTED INSTRUCTIONS ISSUED TO THE NETAJI
INQUIRY COMMISSION NOT TO SEEK ANY HELP FROM
THE GOVERNMENT OR ANY NON-OFFICIAL ORGANI-
SATION IN TAIWAN.

The Netaji Enquiry Commission is an independent body which decides on its own procedures. When the Commission proposed to visit Taiwan, it sought Government's advice in the matter. The Government of India informed the Commission that it did not recognize Taiwan and, therefore, neither the Government nor the judicial bodies appointed by it could enter into direct or formal contacts with Taiwan Administration. It was, therefore, natural that the Government should suggest to the Commission to avoid any formal approach to the Taiwan authorities and to make an independent enquiry on its own.

Normally, the Commission, during its visits to foreign countries, had conducted its enquiries with the assistance of the Indian diplomatic missions abroad. In the case of Taiwan, this avenue was not available and the Commission had necessarily to rely on informal arrangements and assistance of private parties; Shri Samar Guha, we learn, actively assisted the Commission.

The Government has not received any indication from the Commission that Government's advice had, in any way, impeded its work of investigation in Taiwan. In fact, during its 9 days' stay in Taiwan, the Commission visited all the places it wanted to and examined all the witnesses who came to offer evidence including those produced by Shri Samar Guha. According to our information, the Commission is satisfied with its work in Taiwan.

Foreign Minister's
Office
Date: 17/9/73
No. 179/T.M.

1286-US(FE)/1/3 D. 5078-25/8/73
(18) 31/8/73
5812-21/8/73
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MOST IMMEDIATE

LOK SABHA SECRETARIAT
(Table Office)

5207/1/8/73
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D. 8553/EAD/73

11/8/73

SUBJECT : Suggestions made by the Government to the
Netaji Inquiry Commission.

A copy of a letter of date (28.8.73) from Shri Samar
Guha M.P. to the Speaker, Lok Sabha is enclosed.

2. Relevant extracts of Lok Sabha Debates dated the 23rd
August, 1973 are also enclosed.

3. The Minister of External Affairs may be requested kindly
to show the papers to the Speaker in order to enable him to
give his decision on the issue raised by Shri Samar Guha.

for Mr. Guha

B. Swamy

30/8/73

(P.K.PATNAIK)
JOINT SECRETARY.

JSCEA
3078

P.S. to Minister of External Affairs.
L.S.S. U.O. No.9/1/73/T dated 28th August, 1973.

28/8/73
30-8-73

20 (PS) P. Swamy
30/8

M. Subramanian
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30/8

24

US(FE)

SAMAR GUHA
MEMBER OF PARLIAMENT
(LOK SABHA)

27, Sough Avenue,
New Delhi-11,

August 28, 1973.

The Hon'ble Speaker,
Lok Sabha,
New Delhi.

Hon'ble Sir,

In ~~your~~ connection with the debate on Calling Attention Motion regarding External Affairs Ministry's 'suggestions' to the Netaji Inquiry Commission, you observed that the Minister of External Affairs will be asked to submit to you the text of the 'suggestions' that were made to the Netaji Inquiry Commission and you will decide whether a faithful summary of the text was present by the Hon'ble Minister of External Affairs to the House.

I shall be much obliged to know whether you had gone through the text of the 'suggestions' as stated above and if so, your decision regarding the matter.

With thanks,

Yours sincerely,

Sd/-
(Samar Guha)
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23.8.73 / Uncorrected - Not for publication

श्री धनु लिमये - जारी

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और अगर आप का रेटिस्मैशन ही जाय तो आप हाउस को बताइए, नहीं तो
यत्र हाउस के सामने आना चाहिए ।

Shri Dinen Bhattacharyya: I want to make a submission....

Mr. Speaker: I appreciate it. You are not on a point of order
but on a point of submission.

Shri Dinen Bhattacharyya: This is a sentimental question.

This question is coming up in the House and outside again and
again. Now, you have admitted this Calling Attention Notice
and the Minister comes half-hearted before the House.

He keeps something in his pocket and places something before
the House. That will create a worse confusion. Therefore,
my appeal to the Minister and the Prime Minister is that
let them make it clear, once and for all, what was the
suggestion to the Commission.

श्री धनु लिमये : मैं ने आप से सवाल पूछा है । आप बताइए । मैं ने निष्पत्ति के अनुसार पूछा
है ।

Mr. Speaker: The rule is very clear. The Minister can give a
summary. If you think, he did not give a summary, I will
see the relevant letter from the Minister. If I find it is
not a summary, I will tell the House.

Papers to be laid.

(श्री मधु लिमये - जारी)

.... "It was, therefore, natural that the Government should suggest to the Commission to avoid any formal approach to the Taiwan authorities and to make an independent enquiry on its own."

मैं इस पर आप का निर्णय चाहता हूँ कि क्या यह जिस्ट या सम्मरी है। इस का रास्ता यह है कि आप स्वयं वह पत्र और इस कथान को देस कर मिलायें।

(डवल्लू द्वारा जारी)

Mr Speaker: This is a question which you are addressing to the Minister.

Shri Shyamnandan Mishra: Sir, may I....

Mr Speaker: Please sit down. Do not lose your temper all the time.

Is this a question addressed to the Minister or to the Speaker?

Shri Shyamnandan Mishra: Speaker.

Mr Speaker: A point of order can be about the interpretation of the Rules of Procedure. What you have said just now has nothing to do with the interpretation of rules. It is just a question you are addressing to the Minister. I would request Shri Mishra not to get into an argument with the Chair. This has become a habit with him.

Shri Shyamnandan Mishra: The Chair does not want to give a ruling.

Mr Speaker: I do not appreciate this at all. You are a very senior member. I did not expect it from you.

श्री मधु लिमये : अध्यक्ष महोदय, मेरा वाक्या का प्रश्न है। आप ने नियम 368 के दूसरे प्रावधानों का हवाला दिया है, जो इस प्रकार है :

"Provided further that where a Minister gives in his own words a summary or gist of such despatch or State paper it shall not be necessary to lay the relevant papers on the Table."

मंत्री महोदय ने अपने कान में यह वाक्य कहा है :

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Shri Shyamnandan Mishra: The hon. Minister has been pleased to say that we do not officially recognise Taiwan. That is, in fact, the position. But, in spite of that, what has been happening is that we have been carrying on trade merrily with Taiwan. During the course of the last one and a half years 69 of our ships have called at Taiwan. For some of our conferences the representatives of Taiwan have been invited. In spite of all this, why does not the Government think it necessary, even for the purpose of such an inquiry, to have some kind of contact with Taiwan when they are already having some contact with Taiwan?

Mr Speaker: There is no point of order in it.

Shri Shyamnandan Mishra: You are taking it lightly. Please do not laugh it away. It is a serious matter which has to be considered.

Mr Speaker: Where is the point of order?

Shri Shyamnandan Mishra: You go on speaking simultaneously while I am on my legs.

Mr Speaker: It does not mean that I should not argue with you.

Shri Shyamnandan Mishra: A unique kind of relationship is existing between you and me.

My submission is that this State has been carrying on some kind of activities with Taiwan. So, why is this State not also allowing the Commission to have some contacts with the Taiwan Government for the purpose of an inquiry of this kind?

(Shri S M Banerjee - contd)

delicate subject. It is true that under rule 368 the Minister can give a summary. He is entitled to do so. But in this particular case I want a ruling whether in a particular matter, which is agitating crores of people in this country, whether you consider it adequate that a summary of a document is given. It is something strange that there is hush hush about it.

Shri Swaran Singh: So far as documents are concerned, that is a matter for the commission. If there is any evidence, oral or documentary, nothing prevents any party, not even Shri Samar Guha, from going to the Commission and presenting those documents to the Commission. I cannot arrogate to myself the function of the Commission and I cannot pronounce my own opinion about the admissibility of any document or what value should be attached to any document. It is for the Commission to decide.

(followed by U)

(Mr Speaker - contd)

"If a Minister quotes in the House a despatch or other State paper which has not been presented to the House, he shall lay the relevant paper on the Table:

.....
Provided further that where a Minister gives in his own words a summary or gist of such despatch or State paper it shall not be necessary to lay the relevant papers on the Table."

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Mr Speaker: He has given a summary or gist. The rule is very clear on the point.....(interruptions)

Shri S M Banerjee: Sir, I rise on a point of order. When this particular Calling Attention Notice was admitted by you in your wisdom, we expected that some information about the enquiry, some documents, will be placed before us. The hon. Member, Shri Samar Guha, read certain documents to prove that his visit to that particular area in Taiwan has clearly proved to him that the accident did not take place there. In support of that he has read out certain documents and made some statements. The Minister has made a reply to that without giving us any documents.

Sir, you will remember that on an earlier occasion Sardar Iqbal Singh, a member of this House, moved a Resolution in this House that the ashes of Netaji should be brought here. The late lamented Pandit Jawaharlal Nehru said that there is some controversy on this subject and so that resolution was dropped, because this was a very

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(Shri Swaran Singh - contd)

Therefore, it was our suggestion that just as Government does not approach the Government of Taiwan because we do not recognise them, therefore a body created by Government, a judicial body, also should avoid dealing with them in an official manner. This is ^{all} that is contained there. I have mentioned it already. It is a question of substance and not of words....(interruptions)

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, यह मानना आप को तय करना है, मंत्री महोदय को नहीं। क्या मंत्री महोदय बिना किसी वजह के कोई चीज सदन की टेबल पर रखने से इन्कार कर सकते हैं ? उन्होंने कलम नहीं लिखा है कि यह कताना पब्लिक इन्स्ट्रुमेंट में नहीं है।

Rule,

Mr Speaker: The/practice and convention that we have observed up to this time is that Government correspondence, if the Minister does not want it, is not laid on the Table. He can quote a part of it or give a summary. It is already accepted in this House. There are a number of cases on it. The House has been following it. Suppose tomorrow he makes a reference out of a certain document and you demand "please lay the whole file on the Table", it will be a very bad practice/ and against the rule. He says that he has given the relevant part. Rule 368 says:

श्री लटल मिहारी मावेली जारी

'It was therefore natural that the Government should suggest to the Commission to avoid any formal approach to the Taiwan authorities to make an independent enquiry on its own.'

हम मावेली मावेली नहीं कर रहे हैं । सरकार ने कमिशन को एक्शन दिया है ।
हम फिर मावेली हैं ? गुहा मावेली मावेली कर रहे हैं कि वह एक्शन देकर मावेली
मावेली दिया जाए, उसी मावेली मावेली दी जाए मावेली
देश को मावेली मावेली मावेली कि सरकार मावेली मावेली है ।

Shri Shyamnandan Mishra: An enquiry is held in response to a public demand . The public would demand what correspondence is coming in the way of an objective enquiry?

श्री लटल मावेली : मावेली मावेली मावेली । मावेली मावेली मावेली ।

Shri Swaran Singh: My submission is very simple one. It is the attitude of the Government. We do not recognise the Government of Taiwan. We have from the beginning recognised the People's Republic of China and we have always recognised Taiwan territory as part of the People's Republic of China...(Interruptions)
That is the main question. Because we did not recognise Taiwan we suggested to the Commission that if you want to go there, Government does not recognise any governmental authority in Taiwan.

Shri Swaran Singh: I have already mentioned in my statement and I have also communicated it to the hon. Member in the letter the substance of what was suggested to the Commission.

It is not customary that the entire correspondence is made public; it is not done.... (Interruptions)

Mr. Speaker: Let there be no debate on this now.

श्री सुवरण सिंह : मैंने पहले बयान में नहीं बताया था कि कौन सा पत्र भेजा है । कौन सा पत्र भेजा है । कौन सा पत्र भेजा है ?

Shri Shyamnandan Mishra: On a point of order. There may not be very precise questions clearly posed by the hon. Member. But there are certain issues which require clarification and that clarification depends upon the correspondence which the hon. Minister is withholding from us. Unless we see that we cannot say whether those issues have been clarified or not.

Mr. Speaker: He has said that the substance had been given in the letter.

श्री श्यामनंदन मिश्रा : मैंने कहा कि मैं नहीं जानता कि कौन सा पत्र भेजा है । मैंने कहा कि मैं नहीं जानता कि कौन सा पत्र भेजा है । मैंने कहा कि मैं नहीं जानता कि कौन सा पत्र भेजा है :

1225

Shri Samar Guha: Is the Government going to place the text of the suggestion on the Table of the House, the suggestion issued to the Netaji Enquiry Commission?

Shri Swaran Singh: No, Sir; we have no intention.

Shri Samar Guha: How can he say that he has no such intention?

श्री सत्यनारायण गुहा : मेरा मतलब यह है । मंत्री साहब ने जो चीजें

उसको कहने के लिये कहा है । उन्होंने यह जाना नहीं कि वह वास्तव-
मय में नहीं है । या उसे देश की जिम्मेदारी नहीं है ।
कि शांति में वह वास्तविकता को सिद्ध कर रहे हैं ?

Shri Samar Guha: It is not a suggestion; it is actually a directive. I seek your protection, Mr. Speaker. It is up to you to ask them to place it on the Table of the House.

(19)

SECRET
IMMEDIATE

(81)

3rd September, 1973

No.C/125/20/73/JP

V.V.Paranjpe
Joint Secretary

My dear Patnaik,

S.No. (18)
Please refer to your u.o. No.9/1/73/T, dated
28th August, 1973.

end. to S. (17)
2. As desired by the Hon'ble Speaker, I enclose
herewith a copy of the letter sent by the Ministry
of Home Affairs to Mr. Justice G.D. Khosla, dated
.. 15.3.1973. You will, no doubt, treat the communication
as secret, and return it to us when done with.

Yours sincerely,

nc H
(V.V.Paranjpe)

Enc:1

S hri P.K.Patnaik
Joint Secretary
Lok Sabha Secretariat
NEW DELHI

P.K. PATNAIK
JOINT SECRETARY

SECRET



Dy. No. 5780
Secy (East)/73
Dated 11/9 1973

LOK SABHA SECRETARIAT,
NEW DELHI-1.

7th September, 1973.

No. 9/1/73/T

Dear Shri Paranjpe, 1590-US(FE)/73

Please refer to your D.O. No. C/125/20/73/JP

of September 3, 1973.

2. The Speaker after seeing Home Ministry's letter dated 15.3.1973 to Mr. Justice G.D. Khosla sent by you made the following observations in Lok Sabha on 5.9.1973:-

"So far as the letter which was sent to me by the External Affairs Ministry is concerned, I assure you that it was a very faithful summary.

As far as handing over the paper to you is concerned, it was sent to me in confidence. So, I cannot do it."

[Cyclostyled L.S. Debates page 16755]

3. Home Ministry letter dated 15.3.1973 sent by you is returned herewith as desired by you.

With kind regards,

Yours sincerely,

(P.K. PATNAIK)

Shri V.V. Paranjpe,
Joint Secretary,
Ministry of External Affairs,
New Delhi.

Encl. 1

(Copy)

Ministry of Home Affairs

(83)

DO NO. 24/6/71/Pol.II

IMMEDIATE/SECRET

T.C.A.Srinivasavaradan
Joint Secretary

New Delhi
15.3.1973

Dear Shri Khosla,

I am desired to enclose a copy of a letter dated 23rd December, 1972, addressed to the Prime Minister by Shri Samar Guha, M.P. Shri Samar Guha has inter alia made some suggestions regarding the visit of the Netaji Inquiry Commission to Taiwan.

2. You are aware of the views of the Government of India in the matter. At an earlier stage, our High Commissioner in Hong Kong was given to understand that the Taiwan Government was not willing to extend any facilities to the Commission unless the Government of India made an official request to that effect, which was not possible since the Government of India has not recognised Taiwan. Thus, though the Government of India were not opposed in principle to the visit of the Commission to Taiwan, arrangements for such a visit at governmental level could not be made because of the attitude of the Taiwan Government.

3. It will now be for the Commission to take a decision on the suggestions made in Shri Samar Guha's letter. The Commission may proceed to Taiwan if it is felt that its inquiry will not be complete without such a visit. The expenses of the Commission would, as in the case of the Commission's visit to other foreign countries, be borne by the Government of India. However, since the Government of India do not recognise Taiwan, and there are no official contacts with them, it would not be possible for the Government of India to arrange for any facilities for the Commission with the Taiwan authorities. The Commission, therefore, will have to use ordinary travel channels to arrange for visas, accommodation etc., in Taiwan. The Commission may not wish to use other channels directly for arranging such facilities.

4. If the Commission decides to visit Taiwan, it may like to announce dates etc. of their visit, invite persons having knowledge about the terms of inquiry of the Commission to tender evidence and examine any of them who, in the opinion of the Commission, may be relevant witnesses. I am desired to suggest that it may not be desirable for the Commission to depend on any intermediary organisations for the examination of witnesses in Taiwan.

5. I am also desired to suggest to the Commission that all possible care should be taken not to do anything which might lead their visit to be interpreted as involving official dealings with the Taiwan Government and to avoid official contacts with the Taiwanese Government officials, particularly in the Foreign Office, or other prominent leaders.

Yours sincerely,

Shri Justice G.D. Khosla
Chairman, Netaji Inquiry Commn.
NEW DELHI

Sd. T.C.A. Srinivasavaradan

C/125/20/73-JP

(84)

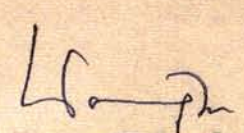
LOK SABHA, 23RD AUGUST 1973

CALLING ATTENTION NOTICE TABLED BY SHRI SAMAR GUHA ON
THE FOLLOWING SUBJECT:-

"The reported instructions issued to the Netaji
Inquiry Commission by the Ministry of External
Affairs not to seek any help from the Govt. or
any non-official organisation in Taiwan."

Statement to be made by Foreign Minister is
placed below. The statement has been approved by F.M.

A Note for Supplementaries is also attached.


(V.V. Paranjpe)
Joint Secretary
22.8.1973

F.M.

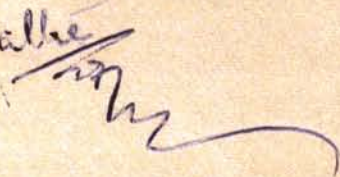
MOS

SECRETARY(E)

SHRI SWARAJ, PARLIAMENTARY ASSISTANT

for cyclostyling and necessary action.


o/c
us/jm
27/12

Mr Lalhe


LOK SABHA, 23.8.73

CALL ATTENTION NOTICE ON NETAJI ENQUIRY COMMISSION

STATEMENT BY THE FOREIGN MINISTER

The Netaji Enquiry Commission is an independent body which decides on its own procedures. When the Commission proposed to visit Taiwan, it sought Government's advice in the matter. The Government of India informed the Commission that it did not recognize Taiwan and, therefore, neither the Government nor the judicial bodies appointed by it could enter into direct or formal contacts with Taiwan Administration. It was, therefore, natural that the Government should suggest to the Commission to avoid any formal approach to the Taiwan authorities and to make an independent enquiry on its own.

Normally, the Commission, during its visits to foreign countries, had conducted its enquiries with the assistance of the Indian diplomatic missions abroad. In the case of Taiwan, this avenue was not available and the Commission had necessarily to rely on informal arrangements and assistance of private parties; Shri Samar Guha, we learn, actively assisted the Commission.

The Government has not received any indication from the Commission that Government's advice had, in any way, impeded its work of investigation in Taiwan. In fact, during its 9 days' stay in Taiwan, the Commission visited all the places it wanted to and examined all the witnesses who came to offer evidence including those produced by Shri Samar Guha. According to our information, the Commission is satisfied with its work in Taiwan.

Note for supplementaries

In 1971 the Netaji Inquiry Commission which was set up by the Government to inquire into the disappearance of Netaji Subhash Chandra Bose approached the Government for facilities to visit some foreign countries in order to carry out its assigned task. Taiwan was included in the list of places to be visited. The Government considered this and some informal enquiries were made. However, as stated in the Lok Sabha on the 10th May, 1972 by Shri K.C. Pant, Minister of State for Home Affairs, certain difficulties arose over the Taiwan visit. The Taiwan authorities wanted a formal request from the Government of India which could not be issued since India has no diplomatic relations with Taiwan.

2. Subsequently, in late May, 1972, 32 Members of Parliament addressed a memorandum to the Prime Minister in which it was stated that if the Commission did not visit Taiwan it would not be able to reach positive conclusions. It was also pointed out that even in the absence of diplomatic relations, ways and means should be devised for arranging the visit to Taiwan.

3. In early June 1972 the Foreign Minister met some opposition leaders in Parliament and mentioned to them that apart from the difficulty arising because of the lack of diplomatic relations, the Taiwan authorities had also put forward the pre-condition that they would allow the Netaji Commission to visit Taiwan only if we gave an assurance on reciprocity for visits to India by Taiwanese. Obviously such an assurance could not be given.

-: 2 :-

Shri Guha's letter
to P.M. in December,
1972.

4. Thereafter on the 23rd December, 1972, Shri Samar Guha wrote to the Prime Minister and made certain suggestions for an informal visit by the Commission to Taiwan. The matter was once again examined carefully and in response to the strong demand from various quarters, as also the desire to enable the Commission to make a definitive inquiry into the disappearance of Netaji Subhash Chandra Bose, it was decided that the visit to Taiwan could take place. However, since the Government did not recognise Taiwan and had no official contacts with it, the Commission would have to use ordinary travel channels to arrange for visas, accommodation, etc. By announcing the dates of its visit and inviting people having a knowledge about the terms of the inquiry to tender evidence to the Commission, it was expected that the Commission would be able to discharge its functions.

The Commission's
visit to Taiwan.

5. Accordingly, the Commission visited Taiwan for nine days from the 10th to 18th July, 1973 after having arranged for its visas and other travel formalities in Hong Kong. The Commission was able to make all the arrangements in a very satisfactory manner and obtained the assistance of various non-officials, including some overseas Indians. There was extensive coverage of the visit in the Taiwan Press and the Commission not only examined certain witnesses whose names and addresses had been furnished earlier by Shri Samar Guha but also examined some witnesses who turned up on their own after learning of the Commission's visit to Taiwan.

-: 3 :-

The Commission held morning and afternoon sittings, including a full day's session on a Sunday. Shri Samar Guha, who had reached Taiwan a few days before the Commission, also held a press conference and assisted in the arrangements.

6. We have learnt from Mr. Justice G.D. Khosla that he was highly satisfied with all the physical arrangements of the visit. At no stage did he feel any constraints on him or that any attempt had been made by any agency whatsoever to "sabotage" the visit. He received full cooperation from the people of Taiwan. The authorities there also allowed the Commission to visit Taikoho airport which was the site of the 1945 aircrash.

Ministry of Home
Affairs letter on
the Taiwan visit.

7. As the House will be aware, the Netaji Inquiry Commission has the fullest authority to gather evidence relating to the disappearance of Netaji Subhash Chandra Bose. At the same time this mandate necessarily does not extend to foreign countries and the Commission has no powers to demand evidence from outside India. In all foreign countries which the Commission has visited it has depended on the Indian Embassy concerned, to examine witnesses and gather other relevant evidence. In the case of Taiwan, since there was no Indian Mission available which could render this assistance, the Commission had to make its own arrangements.

In a letter addressed by the Ministry of Home Affairs to the Commission in March 1973 (~~Copy at Annexure-I~~) it was pointed out that the Ministry of External Affairs would not be able to arrange any facilities for the visit and the Commission would have to use ordinary travel

-4-

Channels. The Commission was advised not to depend on any intermediary organisations for examining witnesses but rather to make its presence known in Taiwan and then examine such witnesses as were relevant to the case. The Commission was also cautioned not to have official contacts with Taiwanese leaders or Government officials, particularly the Foreign Ministry. While such advice given to an independent judicial body such as the Netaji Commission cannot be construed as "directives", it was entirely proper for the Government to bring to the notice of the Commission points which would have a bearing on India's relations with foreign countries. In view of the fact that India does not recognise Taiwan, has full diplomatic relations with the People's Republic of China and has consistently held Taiwan to be a part of the PRC, it would have been undesirable for the Commission to write directly to the Taiwan authorities. Exercising its own independent judgement the Netaji Commission decided to accept the advice given by the Government.

As for xx the suggestion that the Commission might make its presence known in Taiwan and thereby attract witnesses rather than rely on any intermediary organisation, in fact the Commission issued letters to various individuals in Taiwan in advance of its visit, on the basis of a list supplied by Shri Guha. Some of these witnesses turned up to give evidence while a few others did not.

-: 5 :-

In addition, there were witnesses who came up on their own after news about the enquiry had been published in Taiwanese newspapers. Shri Guha reached Taiwan a few days in advance of the Commission and held a press conference and contacted various authorities in order to assist the Commission. Justice Khosla was also honoured at receptions given by the China-India-Burma-Sri Lanka Cultural and Economic Association and by the Taiwan Bar Council. It is thus evident that the Commission did not encounter any lack of cooperation from the people of Taiwan and it felt no inhibitions or restrictions in its inquiries.

Shri Guha suggested to the Commission that it should extend its stay in Taiwan but because there was no firm indication of the types of witnesses or the evidence which might be produced if the Commission's visit were prolonged, the Commission decided to stick to its original schedule of a nine-day stay in Taiwan. There were no directives from the Government in this regard.

According to Justice Khosla the people of Taiwan gave him the fullest cooperation. He was also assisted, on an informal basis, by various authorities. We have learnt that while conducting its sittings in Taiwan, the Commission did not feel that its activities had been circumscribed or inhibited through any Government directives. Justice Khosla also said privately that the visit was fruitful.

Shri Guha's request to the Commission to extend its stay in Taiwan.

The cooperation received in Taiwan.

(9)

MINISTRY OF EXTERNAL AFFAIRS
(EA DIVISION)

The main charges which Shri Samar Guha has raised against the Government concerning the Netaji Commission's visit to Taiwan are listed below together with our replies to the points.

Allegation

Reply

1) The Government issued a secret directive to the Commission prohibiting it from writing to the Taiwan Government and its Foreign Ministry. The Taipei Government did not want a formal letter from the Government of India but wanted that the Commission should write to the East Asia Department of their Government seeking cooperation. The Commission refused to write this letter.

1) In a letter issued in March, 1973 after consulting this Ministry, MHA suggested to the Commission that care should be taken not to do anything which would lead to their visit being interpreted as involving official dealings with the Taiwan Government and to avoid official contacts with Taiwan Government officials, particularly the Foreign Ministry or other prominent leaders. This advice was entirely consistent with the fact that we have no diplomatic relations with Taiwan. The Commission fully agreed with this advice.

Even without an official communication from the Commission, the Taiwan authorities permitted the Commission to visit the Taihoku airport which is a high security area. The Commission also visited the crematorium where Netaji is believed to have been cremated.

2) The Government prohibited the Commission from addressing any letter to any non-official association in Taiwan seeking their cooperation.

2) When Shri Samar Guha wrote to P.M. in December, 1972 suggesting alternate informal methods for the Commission's visit to Taiwan, he indicated that a non-official body such as the Civic Association, the Buddhist Association or the China-India Friendship Association ~~xxxx~~ could be asked to act as host to the Commission. After full consideration, we decided that the Commission should make its own travel arrangements and not depend on any intermediary organization. We also suggested to the Commission that "it may not be desirable to depend on any intermediary organization for the examination of witnesses." Instead, it would be better for the Commission to announce the dates of their visit to Taiwan and invite those having information to tender evidence before it. The results of the Commission's visit show that witnesses who were contacted earlier as also others who heard

of the Commission's enquiry came forward on their own to tender evidence.

We had not prevented the Commission from meeting private parties or non-official organisations in Taiwan.

In fact, the Commission was given full cooperation by the people of Taiwan and receptions were held in honour of Justice Khosla by the China-India Association as also the Bar Association of Taiwan.

3) The Commission was requested to extend its sittings for a few days so that some more material could be found and important personnel could be located but the Commission refused to do so due to the "strict directive" given to it.

4) The Taiwan authorities were annoyed because the Secretary of the Commission addressed a letter to the "Foreign Office, Govt. of Formosa, Taiwan."

3) There was no directive from the Government obliging the Commission to restrict its visit. According to our information, Justice Khosla did not accept Shri Samar Guha's request for an extension because Shri Guha was unable to confirm that any material witnesses would be located or even to indicate the type of evidence which might become available. It was the Commission's own decision that it should stick to its originally scheduled 9-day stay in Taiwan.

4) In advance of the Taiwan visit, Shri Guha gave the Commission a list of potential witnesses. At his suggestion, the Commission wrote to them but since the addresses of a few were not available, at Shri Guha's suggestion, these letters were addressed to these individuals by name, care of the Foreign Office, Government of Formosa, Taiwan. The Secretary of the Commission also discussed this with the Under Secretary (Japan) in the MEA and he too did not suggest any different mode of address.

xx In the absence of diplomatic recognition, this was as good a means of addressing a letter as a other since, obviously, the Commission could not have written to the "Republic of China", which is the formal title preferred by the Taiwan authorities. The Taiwan authorities did not refuse to accept these letters. Moreover, according to the Chairman of the Commission, he did not receive any direct or indirect protest or expression of displeasure from any

Taiwanese and Shri Guha mentioned this only on one occasion to the Secretary of the Commission in Taiwan.

5) The People and Government of Taiwan showed an attitude of extreme goodwill, friendship and cordiality to India and did not raise any political issues. However, the Commission was frustrated by MEA's directive which curbed its initiative and freedom.

5) According to Justice Khosla, the people of Taiwan fully cooperated with the enquiry as did the authorities who were informally approached for facilities such as the visit to Taihoku airport. The Commission also received its visas in Hong Kong without any difficulty and these were given gratis. The Commission held full days' sittings throughout its visit, including Sundayx.